

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS,  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>vs.</b>	)	<b>No. 08 CR 276</b>
	)	<b>Honorable Blanche Manning</b>
<b>WILLIAM COZZI</b>	)	

**DEFENDANT’S MEMORANDUM OF LAW  
IN SUPPORT OF MOTION FOR A TAINT HEARING, MOTION  
FOR A VINDICTIVE PROSECUTION HEARING, MOTION FOR  
DISCOVERY, MOTION TO SUPPRESS AND MOTION TO DISMISS**

**BACKGROUND**

On August 2, 2005, one Randle Miles created a disturbance in the vicinity of 5300 W. North Avenue. In the process, Miles suffered stab wounds. Rather than immediately seek medical assistance, Miles resorted to self-medication: a bottle of gin. An ambulance was summoned to the scene. While waiting for the ambulance, Miles consumed the spirits he had just purchased. By the time the ambulance arrived, Miles was inebriated. Chicago Fire Department Paramedics transported Miles to Norwegian American Hospital in Chicago, Illinois. *In re the Matter of Charges Filed Against P.O. William J. Cozzi*, 06 PB 2604, July 10, 2007 (“Exhibit A”), testimony of George Bedon, 25 – 31.

In the meantime, Defendant Cozzi, a decorated, Chicago police officer assigned to the 25<sup>th</sup> District, was dispatched to investigate a stabbing incident at 5309 W. North Avenue. Cozzi arrived at the scene, but was unable to locate a stab victim. As a result of a radio transmission, Cozzi was rerouted to Norwegian American Hospital. *See* Office of Emergency Management and Communication (OEMC) Tape Transcription, August 2, 2005 (“Exhibit B”).

Miles was drunk, combative and abusive with paramedics and hospital personnel. Cozzi arrived at the hospital and found Miles causing a commotion in the emergency room. Miles was combative with hospital security guards. Cozzi placed Miles under arrest. *See* Exhibit A, testimony of Vicente Sebastian at 46-50 and Evelyn Estrada at 69-75.

Cozzi's alleged interactions with Miles on August 2, 2005 were recorded on hospital security cameras, and led the Cook County State's Attorneys Office to seek and obtain Cozzi's felony indictment. On December 28, 2005, the Cook County Grand Jury returned a 17-count indictment against Cozzi charging him, *inter alia*, with aggravated battery and official misconduct. *People v. Cozzi*, 06 CR 764-01, GJ-366, Indictment returned December 28, 2005 ("Exhibit C").

The Chicago Police Department's Office of Professional Standards ("OPS") also conducted an investigation. Pursuant to that investigation, Cozzi was compelled to give statements to an OPS officer on September 14, 20, and 21, 2005. "Administrative Proceeding Rights (Statutory)" forms ("Group Exhibit D").

On May 10, 2007, Cozzi pled guilty in the Circuit Court of Cook County to a reduced (misdemeanor) battery charge. The Honorable Michael Brown sentenced Cozzi to 18 months probation with conditions that he complete anger management classes and pay court fees. *People v. Cozzi*, 06 CR 764-01, Certified Copy of Conviction / Disposition ("Exhibit E").

The Superintendent of the Chicago Police Department filed charges seeking to separate Cozzi from the police department. Cozzi, however, desired to return to the police force, and resisted the discharge quest. *In re the Matter of Charges Filed Against*

*P.O. William J. Cozzi*, 06 PB 2604 (CR No. 307992), filed April 3, 2006 (See “Exhibit F”).

On July 10, 2007 and August 17, 2007, a Chicago Police Board (“police board”) Hearing Officer presided over public hearings on the Superintendent’s complaint seeking Cozzi’s separation from the police department. Represented by the Corporation Counsel’s office, the Superintendent called Cozzi as an adverse witness. (Contained in redacted portions of Exhibit A; see also [www.chicagojustice.org/foi/documents/Cozzi-HearingTranscripts.pdf](http://www.chicagojustice.org/foi/documents/Cozzi-HearingTranscripts.pdf).)

On July 10, 2007, the assistant corporation counsel asked Cozzi a series of questions about his compelled statements to the OPS. The questioning related to Cozzi’s compelled statements about the incident at issue in this indictment. (Contained in redacted portions of Exhibit A; see also [www.chicagojustice.org/foi/documents/Cozzi-HearingTranscripts.pdf](http://www.chicagojustice.org/foi/documents/Cozzi-HearingTranscripts.pdf).)

Transcripts of the police board hearing -- including Cozzi’s testimony and his testimony about his OPS statements -- are in the public domain and available to the public. Indeed, transcripts of the police board hearing are available on the Internet. See [www.chicagojustice.org/foi/documents/Cozzi-HearingTranscripts.pdf](http://www.chicagojustice.org/foi/documents/Cozzi-HearingTranscripts.pdf).

On October 18, 2007, the police board entered a 6-2 decision refusing to discharge Cozzi. The police board ordered Cozzi suspended for a period of two years (from April 4, 2006 until April 3, 2008). Cozzi planned on returning to police

department employment on April 3, 2008.<sup>1</sup> *In re the Matter of Charges Filed Against P.O. William J. Cozzi*, 06 PB 2604, Decision entered October 18, 2007; Exhibit F.

The *Chicago Sun Times* obtained the hospital surveillance videotape through a Freedom of Information request. Cozzi's case became a political issue in the 2008 primary race for Cook County State's Attorney. Rossi, Rosalind. "Taped beating a campaign issue: Candidate says opponent backed reducing the charge, but she denies it." *Chicago Sun Times*, January 22, 2008 ("Exhibit G.").

An FBI agent named Jodi Weis was scheduled to become the Superintendent of the Chicago Police Department effective February 1, 2008. Armed with the hospital surveillance tape, the media questioned Weis about Cozzi in January 2008. Weis denounced Cozzi, expressed unhappiness with police board's decision not to terminate Cozzi and promised to thoroughly review the facts. A police spokesperson was quoted as saying that Weis had requested a debriefing and planned to take a "hard, close look" at the Cozzi case. Main, Frank. "Another black eye: Cop caught on tape beating man in wheelchair could be back on the beat in April. Now, Chicago's new top cop says he will take a 'hard, close look' at the case." *Chicago Sun Times*, January 21, 2008 ("Exhibit H.").

Unsatisfied with the punishment meted out by the police board and the Criminal Division of the Circuit County of Cook County, Weis referred the matter to the FBI. Rozas, Angela. "Beating in wheelchair by Chicago cop leads to federal indictment." *Chicago Tribune*, April 4, 2008 ("Exhibit I.").

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<sup>1</sup> The Superintendent filed a complaint for administrative review of the police board's action with respect to Cozzi. As of the time of this filing, that complaint was still pending in the Circuit Court of Cook County. *Starks v. Cozzi*, 07 CH 34649.

On April 2, 2008, the government sought and obtained a one-count federal indictment against Cozzi for a civil rights violation. Needless to say, Cozzi did not return to the police department's employment on April 3, 2008.

**I. THIS CASE SHOULD BE SET DOWN FOR A TAIN HEARING  
RELATIVE TO ANY USE OF COZZI'S GARRITY-PROTECTED  
STATEMENTS**

A. The Fifth Amendment to the United States Constitution provides in pertinent part, "No person \*\*\* shall be compelled in any criminal case to be a witness against himself." This constitutional provision applies to compelled, incriminating, testimonial communications. E.g., *United States v. Hubbell*, 530 U.S. 27, 35 (2000). The protections of the privilege against self-incrimination are not limited "compelled testimony that is used against the defendant in the trial itself." *Id.* at 37. Rather, the coverage of the privilege against self-incrimination "encompasses compelled statements that lead to the discovery of incriminating evidence even though the statements themselves are not incriminating and are not introduced into evidence." *Id.* "The privilege afforded not only extends to answers that would in themselves support a conviction under a federal criminal statute but likewise embraces those which would furnish a link in the chain of evidence needed to prosecute the claimant for a federal crime." *Hoffman v. United States*, 341 U.S. 479, 486 (1951). Compelled testimony that is not in itself incriminating but may lead to incriminating evidence falls within the scope of the privilege. *Doe v. United States*, 487 U.S. 201, 208 n. 6 (1988). The Fifth Amendment prohibits the prosecution from using incriminating information derived directly or indirectly from compelled testimony. *Hubbell*, 530 U.S. at 38; *Kastigar v. United States*, 406 U.S. 441 (1972).

Over forty years ago, the United States Supreme Court in *Garrity v. New Jersey*, 385 U.S. 493 (1967), had the opportunity to discuss the privilege against self-incrimination in a case involving statements compelled from police officers. In *Garrity*, the Supreme Court of New Jersey commissioned the New Jersey Attorney General to conduct a special investigation into the fixing of traffic tickets. Under threat of termination from their police employment, police officers were compelled to answer questions regarding the ticket-fixing scheme. The officers were later indicted, and their statements were used against them at a criminal trial over objection.

The issue reached the United States Supreme Court, which observed that “policemen ... are not regulated to a watered-down version of constitutional rights.” *Id.* at 500. That is, a police officer's invocation of the privilege against self-incrimination cannot be met with the response of employment termination. See also *Lefkowitz v. Cunningham*, 431 U.S. 801, 805 (1977). As stated in *Gardner v. Broderick*, 392 U.S. 273, 277 (1968), a public employee cannot not constitutionally be given the “Hobson's choice between self-incrimination and forfeiting [their] means of livelihood.” The *Garrity* Court thus held that officers’ statements, “obtained under threat of removal from office” could not be used against the officers in a subsequent criminal proceeding.

The protections of *Garrity* have been described as “self-executing immunity.” *Wiley v. Mayor and City Council of Baltimore*, 48 F.3d 773, 778 (4<sup>th</sup> Cir. 1995) (Powell, retired U.S. Sup. Ct. J.); see also *Hester v. Milledgeville*, 777 F.2d 1492, (11<sup>th</sup> Cir. 1985); *Gulden v. McCorkle*, 680 F.2d 1070, 1074 (5<sup>th</sup> Cir. 1982). As stated in *Aguilera v. Baca*, 394 F.Supp.2d 1203, 1219-20 (C.D. Ca. 2005):

Where the government compels a witness to testify against herself without officially granting the witness immunity, the witness is nevertheless shielded; the government may not use her testimony or any evidence derived from it in any subsequent criminal proceeding. See *Garrity v. New Jersey*, 385 U.S. 493, 500, 87 S.Ct. 616, 17 L.Ed.2d 562 (1967). This immunity arises automatically and is co-extensive with the use and derivative use immunity mandated by *Kastigar*.

\* \* \*

This is ... so-called *Garrity* immunity ... automatically attaches to compelled testimony.

See also *In re Federal Grand Jury Proceedings*, 975 F.2d 1488, 1490 (11<sup>th</sup> Cir. 1992)

(“Immunity under *Garrity* prevents any statements made in the course of the internal investigation from being used against the officers in subsequent criminal proceedings.”).

It is well-established that a grant of immunity must be co-extensive with the right to remain silent. *Kastigar*, 406 U.S. at 448-49, 459-61. For this reason, the prosecution is wholly precluded from making any direct use, or derivative use, of compelled testimony. See, e.g., *Gardner*, 392 U.S. at 278. There is a “total prohibition on use.” *Kastigar*, 406 U.S. at 460. This “provides a comprehensive safeguard, barring the use of compelled testimony as an ‘investigatory lead,’ and also barring the use of any evidence obtained by focusing investigation on a witness as a result of his compelled disclosures.” *Id.*; see also *Braswell v. United States*, 487 U.S. 99 (1988). Proscribed use may also traverse into the non-evidentiary realm, as use of compelled testimony to develop leads, shape testimony, refresh recollection or influence prosecutorial strategy simply does not leave the declarant “in substantially the same position as if the [s/he] had claimed the Fifth Amendment privilege.” *Id.* at 462; see *United States v. North* (“*North I*”), 910 F.2d 843, 861(D.C. Cir. 1990), *modified on reh'g*, 920 F.2d 940 (*per curiam*) (“*North II*”) (“*Kastigar* does not prohibit simply ‘a whole lot of use,’ or ‘excessive use,’ or ‘primary

use’ of compelled testimony. It prohibits ‘any use,’ direct or indirect.”) (emphasis original); see also *United States v. Ponds*, 454 F.3d 313, (D.C. Cir. 2006).

The scope *Garrity* immunity stands on the same plane as the immunity accorded under the federal statutory law, 18 U.S.C. § 6002. The court in *United States v. Vangates*, 287 F.3d 1315, 1321 (11<sup>th</sup> Cir. 2002), captured this point:

The state, of course, can compel a public employee to answer questions in a formal or informal proceeding by granting that employee immunity from future criminal prosecution based on the answers given. See 18 U.S.C. § 6002; *Kastigar*, 406 U.S. at 462, 92 S.Ct. at 1666. Such immunity is the equivalent of the protection afforded an officer under *Garrity*, and is referred to as “use immunity.” See *United States v. Veal*, 153 F.3d 1233, 1241 n. 7 (11<sup>th</sup> Cir.1998); *Hester*, 777 F.2d at 1496.

Once the defendant has established that he made compelled immunized statements under *Garrity*, the burden shifts to the government to prove a legitimate, independent source for its evidence. See, e.g., *United States v. Daniels*, 281 F.3d 168, 180-81 (5<sup>th</sup> Cir. 2002). As stated in *Kastigar*, “One raising a claim under this statute need only show that he testified under a grant of immunity in order to shift to the government the heavy burden of proving that all of the evidence it proposes to use was derived from legitimate independent sources.” 406 U.S. at 461-62; see also *Murphy v. Waterfront Commission*, 378 U.S. 52, 79 n. 18 (1964) (“Once a defendant demonstrates that he has testified, under a state grant of immunity, to matters related to the federal prosecution, the federal authorities have the burden of showing that their evidence is not tainted by establishing that they had an independent, legitimate source for the disputed evidence.”). “This burden of proof ... is not limited to a negation of taint; rather, it imposes on the prosecution the affirmative duty to prove that the evidence it proposes to use is derived from a legitimate source wholly independent of the compelled testimony.” *Kastigar*, 406



U.S. at 460. Furthermore, the “burden of disproving use cannot ... be shifted onto the defendant, nor can the defendant be required to assume the burden of going forward with evidence that puts in issue the question of use.” *North II*, 920 F.2d at 942.

When the government elects to prosecute a previously immunized witness, a pretrial adversarial hearing is the common method of determining whether the government can prove whether all its evidence was obtained from sources independent of the compelled testimony. *North II*, 920 F.2d at 944; *North I*, 910 F.2d at 872. The hearing must be comprehensive. As stated in *North I*:

[T]he District Court must hold a full *Kastigar* hearing that will inquire into the content as well as the sources of the grand jury and trial witnesses' testimony. That inquiry must proceed witness-by-witness; if necessary, it will proceed line-by-line and item-by-item. For each grand jury and trial witness, the prosecution must show by a preponderance of the evidence that no use whatsoever was made of any of the immunized testimony either by the witness or by the Office of Independent Counsel in questioning the witness. This burden may be met by establishing that the witness was never exposed to North's immunized testimony, or that the allegedly tainted testimony contains no evidence not “canned” by the prosecution before such exposure occurred. Unless the District Court can make express findings that the government has carried this heavy burden as to the content of all of the testimony of each witness, that testimony cannot survive the *Kastigar* test. We remind the prosecution that the *Kastigar* burden is “heavy” not because of the evidentiary standard, but because of the constitutional standard: the government has to meet its proof only by a preponderance of the evidence, but any failure to meet that standard must result in exclusion of the testimony.

*Id.* at 872-73.

Finally, prior to the United States Supreme Court's decision in *Hubbell* the circuits had split on the issue of whether non-evidentiary use of immunized testimony violates the Fifth Amendment. See *North I*, 910 F.2d at 856-60. *North I* observed that non-evidentiary potentially includes “assistance in focusing the investigation, deciding to initiate prosecution, refusing to plea bargain, interpreting evidence, planning cross-

examination, and otherwise generally planning trial strategy.” *Id.* at 857 (quotations and citations omitted). *Hubbell* put to rest the notion that only evidentiary uses of immunized testimony violate the Fifth Amendment:

*Kastigar* requires that respondent's motion to dismiss the indictment on immunity grounds be granted unless the Government proves that the evidence it used in obtaining the indictment and proposed to use at trial was derived from legitimate sources “wholly independent” of the testimonial aspect of respondent's immunized conduct in assembling and producing the documents described in the subpoena. The Government, however, does not claim that it could make such a showing. Rather, it contends that its prosecution of respondent must be considered proper unless someone—presumably respondent—shows that “there is some substantial relation between the compelled testimonial communications implicit in the act of production (as opposed to the act of production standing alone) and some aspect of the information used in the investigation or the evidence presented at trial.” Brief for United States 9. We could not accept this submission without repudiating the basis for our conclusion in *Kastigar* that the statutory guarantee of use and derivative-use immunity is as broad as the constitutional privilege itself. This we are not prepared to do.

530 U.S. at 45-46.

B. In this case, Cozzi has made a threshold showing that he previously made statements protected by immunity. More specifically, Cozzi was compelled to give statements to the OPS on September 14, 20, and 21, 2005. See Group Exhibit D.

Furthermore, he was called as an adverse witness by the Corporation Counsel at the police board hearing on July 10, 2007. What’s more, Cozzi's compelled statements were actually used at the police board hearing on July 10, 2007. See Exhibit A (testimony is contained within the redacted portion); see also

[www.chicagojustice.org/foi/documents/Cozzi-HearingTranscripts.pdf](http://www.chicagojustice.org/foi/documents/Cozzi-HearingTranscripts.pdf). As noted above, testimony from the police board hearing is in the public domain, and is even available on the internet.

Given that the government has elected to prosecute Cozzi after he made immunized statements, the burden shifts to the government to prove that each item of evidence used before the grand jury and to be used at trial was obtained from sources wholly independent of Cozzi's compelled testimony. Any attempt by the government to discharge this burden should come at a pretrial, adversarial hearing.

The hearing should also address whether any non-evidentiary uses of Cozzi's compelled statements have occurred. On the particular circumstances of this case, Cozzi notes that non-evidentiary uses would include Superintendent Weis's review of the Cozzi case and decision to refer this matter for Federal prosecution. Exposure to Cozzi's OPS statements or the police board record would constitute use of compelled statements.

Cozzi acknowledges that the discovery material provided to him by the government contains so-called "*Garrity* redactions." This, however, is insufficient to discharge the government's heavy burden, for it does not answer whether any evidentiary or non-evidentiary uses of Cozzi's compelled statements have been or will be made. Moreover, Cozzi is entitled to have his Fifth Amendment claim resolved at an adversarial hearing in which he is afforded the right of cross-examination. In short, the Fifth Amendment point must be resolved by a judicial officer after an evidentiary hearing, rather than on the basis of the government's representations about discovery.

Finally, in anticipation of the hearing, Cozzi respectfully moves this Honorable Court to require the government to provide Cozzi with all discovery relating to any efforts to disprove taint. Such discovery should include, but is not limited to:

- i. All grand jury transcripts;
- ii. All witness statements or summaries of witness statements;

- iii. All correspondence, memoranda, notes, documents, reports and e-mails etc. relating to Superintendent Weis's review of Cozzi's case;
- iv. The prosecution memo;
- v. All correspondence, memoranda, notes, documents, reports and e-mails etc. relating to the referral of this case; and
- vi. All correspondence, memoranda, notes, documents, reports and e-mails transmitted to the Federal Government by any State authority, including the Cook County State's Attorneys Office, the Chicago Police Department (including, but not limited to the OPS and the Superintendent's Office), and the police board.

## II. THIS CASE SHOULD BE SET DOWN FOR A VINDICATIVE PROSECUTION HEARING

“To punish a person because he has done what the law plainly allows him to do is a due process violation of the most basic sort.” *Bordenkircher v. Hayes*, 434 U.S. 357, 363 (1978); *see also United States v. Goodwin*, 457 U.S. 368, 384 (1982) (“defendant in an appropriate case might prove objectively that the prosecutor's charging decision was motivated by a desire to punish him for doing something that the law plainly allowed him to do”); *United States v. Falcon*, 347 F.3d 1000, 1004 (7<sup>th</sup> Cir. 2003) (“A vindictive prosecution claim arises when the government pursues prosecution in retaliation for the exercise of a protected statutory or constitutional right.”); *see generally United States v. Segal*, 495 F.3d 826, 832-33 (7<sup>th</sup> Cir. 2007); *United States v. Jarrett*, 447 F.3d 520 (7<sup>th</sup> Cir. 2006); *United States v. Bullis*, 77 F.3d 1553, 1558 (7<sup>th</sup> Cir. 1996); *United States v. Monsoor*, 77 F.3d 1031, 1034 (7<sup>th</sup> Cir. 1996). A court should grant an evidentiary hearing when the defendant has offered “sufficient evidence to raise a reasonable doubt that the government acted properly.” *Falcon*, 347 F.3d at 1004.

In this case, the government did not seek an indictment against Cozzi until after he exercised his State law labor rights and resisted separation from the Chicago Police Department. Indeed, the government sought and obtained an indictment the day before Cozzi suspension period ended! District Court Document, 1 (“Exhibit J.”). Moreover, the Chicago Police Superintendent, who referred this case to Federal authorities, publicly expressed dissatisfaction with the Cozzi’s return to the police department. Main, Frank. “Not sure ‘if I was going to live or die’: Shackled to wheelchair, hit by officer.” *Chicago Sun Times*, January 23, 2008 (“Exhibit K.”).

Under these circumstances, there is no escaping the conclusion that the indictment in this case was brought in retaliation for Cozzi having exercised his rights under Illinois labor law. See *United States v. Napue*, 834 F.2d 1311, 1330 (7<sup>th</sup> Cir. 1987) (“[T]he extent to which the government had obtained its evidence prior to the defendant’s assertion of some right is one of the key indicia scrutinized by the courts when confronted with a claim of vindictive prosecution.”). At this juncture, Cozzi has proffered sufficient evidence of vindictive prosecution so as to require an evidentiary hearing on this issue.

### **III. FULL FAITH AND CREDIT PRINCIPLES BAR THIS FEDERAL PROSECUTION**

The State of Illinois has previously prosecuted and convicted Cozzi for the very same underlying facts at issue in the present federal indictment. See Exhibits C and E. To a layman, this federal prosecution would smack of double jeopardy. But Cozzi recognizes that the legal fiction known as the “dual sovereignty doctrine,” *e.g.*, *Abbate v. United States*, 359 U.S. 189 (1959), *Bartkus v. Illinois*, 359 U.S. 121 (1959), generally forecloses an objection to the federal charges based upon the Double Jeopardy Clause of the Fifth Amendment to the United States Constitution. Nonetheless, dismissal of the present indictment is warranted on another constitutionally based theory – full faith and credit – which to date has not been addressed by the Supreme Court.

The United States Constitution contains a Full Faith and Credit Clause: “Full Faith and Credit shall be given in each State to the ... judicial Proceedings of every other State. And the Congress may by general laws prescribe the Manner in which such ... Proceedings shall be proved and the Effect thereof.” U.S. CONST. art. IV § 1. Although the constitutional text does not address the federal government's recognizing state judgments, Congress has acted in the area. Title 28, United States Code, section 1738, provides in pertinent part: “[J]udicial proceedings ... shall have the same full faith and credit in every court within the United States ... as they have by law or usage of the courts of such State ... from which they are taken.”

Applying the literal terms of this statute, this federal prosecution of Cozzi should be barred. Illinois double jeopardy law and usage would preclude Illinois from re-prosecuting Cozzi for his conduct in relation to Miles on August 2, 2005. By 28 U.S.C. § 1738, the United States is required to give the same full faith and credit to the Illinois

judgment.<sup>2</sup> A federal prosecution, where the underlying facts have already been prosecuted to judgment by a State within the Union, violates the full faith and credit statute, to say nothing of comity and *res judicata* interests, and the *Petite* policy, see *Petite v. United States*, 361 U.S. 529 (1960), and *Rinaldi v. United States*, 434 U.S. 22 (1977). See Note, *Heath v. Alabama: Contravention of Double Jeopardy and Full Faith and Credit Principles*, 17 Loy. L. J. 721 (1986); but see *Turley v. Wyrick*, 554 F.2d 840, 842 (8<sup>th</sup> Cir. 1977).

Respectfully submitted,

/s/ Terence P. Gillespie

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<sup>2</sup> The Supreme Court has applied full faith and credit concepts in the criminal context. See *Allen v. McCurry*, 449 U.S. 90 (1980) (full faith and credit statute precluded plaintiff in a 1983 action from relitigating the constitutionality of a search and seizure where a state court already had resolved the issue in a criminal pretrial suppression hearing); *Williams v. North Carolina*, 317 U.S. 287 (1942) (defendant's bigamy convictions reversed; Full Faith and Credit Clause required North Carolina to give preclusive effect to Nevada's divorce decrees).



**CERTIFICATE OF SERVICE**

I hereby certify Defendant's foregoing Defendant's Memorandum of Law in Support of Motion for a Taint Hearing, Motion for a Vindictive Prosecution Hearing, Motion for Discovery, Motion to Suppress and Motion to Dismiss was served on June 2, 2008, in accordance with Fed.R.Crim.P. 49, Fed.R.Civ.P.5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the District Court's system as to ECF Filers.

/s/ Terence P. Gillespie

TERENCE P. GILLESPIE

Attorney for Defendant, William Cozzi

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BEFORE THE POLICE BOARD  
OF THE CITY OF CHICAGO

ORIGINAL

IN THE MATTER OF CHARGES )  
FILED AGAINST ) Case No. 06-2604  
P.O. WILLIAM J. COZZI. )

VIDEOTAPED REPORT OF PROCEEDINGS had at  
the status in the above-entitled matter before  
THOMAS JOHNSON, Hearing Officer, at 30 North  
LaSalle Street, Suite 1240, Chicago, Illinois,  
on July 10, 2007, at the hour of 10:00 a.m.

APPEARANCES:

CITY OF CHICAGO  
DEPARTMENT OF LAW  
LABOR DIVISION  
BY: MS. SAIRA J. ALIKHAN  
30 North LaSalle Street, Suite 1020  
Chicago, Illinois 60602

on behalf of the Superintendent;

MR. WILLIAM N. FAHY  
53 West Jackson, Suite 1650  
Chicago, Illinois 60604

on behalf of the Respondent.

POLICE BOARD OF THE CITY OF CHICAGO  
MR. MAX CAPRIONI

A-1 LEGAL VIDEO,  
SCOT ZIARKO

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Superintendent's Exhibit Nos. 3, 4, 5 received	118
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1 HEARING OFFICER JOHNSON: All right.  
2 We're calling the case of Police Officer  
3 William J. Cozzi, 06-2604. And let me ask at  
4 the outset, Officer Cozzi, whether you  
5 acknowledge receipt of a copy of the charges at  
6 least five days prior to today's date.

7 OFFICER COZZI: Yes, sir.

8 HEARING OFFICER JOHNSON: And do you  
9 waive reading of the charges and enter a plea  
10 of not guilty to each and every charge?

11 OFFICER COZZI: Yes, sir.

12 HEARING OFFICER JOHNSON: Okay. Let  
13 me also tell you at the outset that if and only  
14 if the Police Board finds you guilty of any  
15 charge, then it will look at your complimentary  
16 and disciplinary history. You lawyer should  
17 have a copy of that.

18 If that complimentary and  
19 disciplinary history is incorrect in any  
20 respect, then let me know either through  
21 counsel or through your testimony before the  
22 case is over, okay?

23 OFFICER COZZI: Yes, sir.

24 HEARING OFFICER JOHNSON: All right.

1 Any preliminary motions or stipulations?

2 MS. ALIKHAN: I don't have any.

3 HEARING OFFICER JOHNSON: Okay. And  
4 I've already asked the people in the room  
5 whether they're going to be witnesses. They  
6 say they are not so --

7 MR. FAHY: That would be my only  
8 motion is to exclude witnesses.

9 HEARING OFFICER JOHNSON: Okay. And  
10 that would be allowed.

11 All right. Does the City wish to  
12 make an opening statement?

13 MS. ALIKHAN: Yes. Members of the  
14 Board, Mr. Hearing Officer, Opposing Counsel,  
15 my name is Saria Alikhan and I represent the  
16 Superintendent in the matter of charges against  
17 Officer William Cozzi.

18 On August 2nd, 2005 Officer Cozzi  
19 responded to a call from the Office of  
20 Emergency Management Center. The call informed  
21 Officer Cozzi of a stabbing that occurred at  
22 5309 West North Avenue.

23 When Mr. Cozzi arrived on the  
24 scene, he learned that the stabbing victim, now

1 known as Randall Miles, had been transported to  
2 Norwegian American Hospital.

3 When Officer Cozzi arrived at the  
4 hospital, he entered into the lobby section of  
5 the emergency room. While there, he saw a  
6 nurse attempting to treat Mr. Randall. You  
7 will learn that Mr. Miles -- pardon me.  
8 Mr. Miles.

9 You will learn that Mr. Miles was  
10 loud and uncooperative while being treated at  
11 Norwegian American Hospital. You will hear  
12 throughout the hearing that Mr. Miles was in no  
13 way physically threatening. You will hear that  
14 at some point Officer Cozzi placed Mr. Miles  
15 under arrest.

16 You will see video of the  
17 incident, and the video and testimony will show  
18 that while Mr. Randall was handcuffed in a  
19 wheelchair, and while his feet were shackled to  
20 that wheelchair, Officer Cozzi struck Mr. Miles  
21 about the face and chest numerous times.

22 The evidence will show that  
23 Officer Cozzi struck Mr. Miles about the face  
24 and chest with an unauthorized weapon, that

1 being a blackjack. The evidence will show that  
2 Mr. Miles was restrained the whole time that he  
3 was being hit by Mr. Cozzi. The evidence will  
4 show that the actions of Officer Cozzi were in  
5 no way justified, nor were they reasonable.

6 You will also learn that  
7 subsequent to the incident, Officer Cozzi  
8 filled out various official documents  
9 concerning the incident. These documents  
10 include a general case report, an arrest  
11 report, and a tactical response report.

12 The evidence will show that  
13 Officer Cozzi included false and inaccurate  
14 information in those documents. The evidence  
15 will show that Officer Cozzi fabricated those  
16 facts to justify the degree of force he used.

17 As a result of this conduct,  
18 Mr. Cozzi or Officer Cozzi has been charged  
19 with various violations of the Police rules and  
20 regulations, that being Rule 1 entitled  
21 Violation of Any Law or Ordinance. Because of  
22 Officer Cozzi's actions on or about August 2nd,  
23 2005 at Norwegian American Hospital, Officer  
24 Cozzi committed the offense of aggravated

1 battery in that he intentionally and knowingly  
2 without legal justification caused bodily harm  
3 to Randall Miles by striking Mr. Miles about  
4 the head or body with a blackjack in violation  
5 of 720 ILCS 5/12-4 C1.

6 You will learn that Officer Cozzi  
7 on August 2nd, 2005 committed the offense of  
8 aggravated battery in that he intentionally or  
9 knowingly without legal justification caused  
10 bodily harm to Randall Miles by striking  
11 Mr. Miles about the head in a public way on  
12 public property or public place of  
13 accommodation in violation of 720 ILCS 5/12-4  
14 C8.

15 You will learn that Mr. Cozzi --  
16 Officer Cozzi, pardon me, on August 2nd, 2005  
17 committed the offense of battery in that he  
18 intentionally or knowingly without legal  
19 justification caused bodily harm to Randall  
20 Miles by striking him about the head in  
21 violation of 720 ILCS 5/12-3A1.

22 You will learn that on August 2nd,  
23 2005 Officer Cozzi committed the offense of  
24 battery in that he intentionally or knowingly



1 without legal justification made physical  
2 contact of an insulting or provoking nature  
3 with Randall Miles by striking Mr. Miles about  
4 the head or body in violation of 720 ILCS,  
5 5/12-3A2.

6           You will learn that Officer Cozzi  
7 violated Rule 2 of the Police rules and  
8 regulations which is any action or conduct  
9 which impedes the Department's efforts to  
10 achieve its policy or goals or brings discredit  
11 upon the Department. Officer Cozzi did this on  
12 August 2nd, 2005 by striking Randall Miles  
13 about the head or body with a blackjack.

14           You will also hear that Officer  
15 Cozzi violated Rule 2 in that while on duty he  
16 was in possession of an unauthorized weapon not  
17 prescribed by the Chicago Police Department.

18           You will learn that Officer Cozzi  
19 violated Rule 2 in that he generated one or  
20 more reports containing false information  
21 concerning his arrest of Randall Miles.

22           Officer Cozzi's conduct, you will  
23 learn, also violated Rule 6 of the Police rules  
24 and regulations in that his conduct resulted in

1 disobedience of an order or directive, whether  
2 written or oral.

3 He did this on August 2nd, 2005 by  
4 being in possession of a weapon not prescribed  
5 by the Chicago Police Department in violation  
6 of General Order 98-10-03, Paragraph 2(g) and  
7 3(c).

8 You will learn that Officer  
9 Cozzi's conduct is in violation of Police rules  
10 and regulations, Rule 8 specifically, in that  
11 his conduct was disrespect -- resulted in  
12 disrespect to or maltreatment of any person  
13 while on or off duty.

14 Officer Cozzi's conduct on  
15 August 2nd, 2005 of striking Randall Miles in  
16 the head with a blackjack or flat sap is one  
17 instance in which a Rule 8 violation can be  
18 found.

19 You will learn that Officer Cozzi  
20 violated Rule 9 in that he engaged in  
21 unjustified verbal or physical altercation with  
22 any person by on August 2nd, 2005 striking  
23 Randall Miles about the head or body with the  
24 blackjack or flat sap.

1                   Officer Cozzi is charged with  
2 Rule 14 of the Police rules and regulations,  
3 making a false report, written or oral in that  
4 on August 2nd, 2005 Officer Cozzi generated one  
5 or more reports containing false information  
6 concerning his arrest of Randall Miles.

7                   At the conclusion of this case,  
8 the Superintendent asks this Board to find  
9 Officer Cozzi in violation of all rules and to  
10 separate Officer Cozzi from the Chicago Police  
11 Department.

12                   HEARING OFFICER JOHNSON: Okay. Thank  
13 you. Respondent wish to make an opening?

14                   MR. FAHY: Yes. I'll be brief. Good  
15 morning, Mr. Johnson, members of the Board  
16 also.

17                   Mr. Cozzi -- Officer Cozzi has  
18 served his department, the Police Department  
19 with distinction for approximately 15 years.  
20 He's 50 years old as he sits here today. He's  
21 educated. He has served in the military, and  
22 he has no history of any disciplinary problems  
23 with the Department.

24                   The incident you're going to hear

1 about was a complete aberration for Officer  
2 Cozzi. I do expect that the evidence is going  
3 to show that Officer Cozzi did commit some  
4 rules violations. And he truly regrets some of  
5 the actions that he took with regards to this  
6 incident, and he will testify and try to  
7 explain as best as he could or as best that he  
8 can why he did what he did.

9 And essentially, the reason for  
10 this hearing today is we do not agree that what  
11 happened here warrants the sanction of  
12 termination from the Department. It was a  
13 serious lapse in judgment. An incident that  
14 took a matter of a couple of minutes in what  
15 has otherwise been a stellar 15-year police  
16 career. We're going to ask that you consider  
17 that entire career when making your decision.

18 He is remorseful for what he did.  
19 And at the conclusion of all the evidence,  
20 we're going to ask that the Board impose a  
21 suspension rather than terminating Officer  
22 Cozzi from his position. Thank you.

23 HEARING OFFICER JOHNSON: Okay. Thank  
24 you very much. All right. City wish to call

REDACTED

PP 12 - 21

REDACTED

17 City wish to call its next witness?

18 MS. ALIKHAN: Yes. City would like to  
19 call Ericka Garduno.

20 HEARING OFFICER JOHNSON: You want to  
21 take a seat, and there's a microphone right  
22 here. If you can pinch this onto your shirt.  
23 Okay.

24 MS. ALIKHAN: We're actually going to

1 call George Bedon.

2 HEARING OFFICER JOHNSON: Okay. You  
3 want to swear the witness.

4 (The witness was duly sworn.)

5 GEORGE BEDON,  
6 called as a witness herein, having been first  
7 duly sworn, was examined and testified as  
8 follows:

9 DIRECT EXAMINATION

10 BY MS. ALIKHAN:

11 Q. Please state and spell your name for  
12 the record.

13 A. First name is George. Last name is  
14 Bedon, B as in boy, E, D as in dog, O-N.

15 Q. Are you employed, Mr. Bedon?

16 A. Yes, I am.

17 Q. Where are you employed?

18 A. Chicago Fire Department.

19 Q. And how long have you worked for the  
20 Chicago Fire Department?

21 A. Till this date, 12 years.

22 Q. 12 years. What is your position at  
23 the Chicago Fire Department?

24 A. Paramedic in charge.

1 Q. And how long have you been paramedic  
2 in charge?

3 A. Almost nine years.

4 Q. And describe your duties as paramedic  
5 in charge.

6 A. I am in charge of my partner, who was  
7 the paramedic. I'm in charge of the patient in  
8 the back. I assume all responsibilities  
9 throughout the whole day, journal-wise,  
10 paperwork. Everything comes down on me as the  
11 officer for that day.

12 Q. Okay. So you said you're in charge of  
13 the patient in back. Are you referring to an  
14 ambulance?

15 A. Yes.

16 Q. Now, Mr. Pedon, do you recall an  
17 incident that occurred on August 2nd, 2005 at  
18 Norwegian American Hospital?

19 A. Yes.

20 Q. Okay. And prior to Norwegian American  
21 Hospital, where were you before that incident?

22 A. In quarters.

23 Q. You were in court?

24 A. In quarters. In --



1 HEARING OFFICER JOHNSON: In quarters?

2 THE WITNESS: Rephrase the question.

3 I mean, we had -- we responded to a call.

4 BY MS. ALIKHAN:

5 Q. Okay. Yeah, let me take you from  
6 there.

7 A. Yeah, take me from there.

8 Q. Okay. Where you said you responded to  
9 a call, can you describe what that call was  
10 for?

11 A. We were in quarters. The tones went  
12 off. The call was for a stabbing.

13 Q. The call was for a stabbing. And  
14 where did you respond?

15 A. Somewhere on North Avenue. I don't  
16 have my run sheet in front of me.

17 Q. What happened when you got to North  
18 Avenue?

19 A. We confronted -- we met with a patient  
20 that told us he got stabbed by his girlfriend.  
21 And we asked him where he got stabbed, and he  
22 pointed to his arm. And it wasn't a stabbing.  
23 It was more like a slash.

24 Q. Okay. And what happened after that?

1           A. We asked him to come to the ambulance,  
2 and he was very rude and obnoxious and  
3 belligerent with us.

4           Q. When you say rude and obnoxious, what  
5 do you mean?

6           A. He was swearing. He didn't believe  
7 this could happen, you know, that night from  
8 his girlfriend, and he wanted to go back up.  
9 And we said we got to go. You got stabbed.  
10 Let's go.

11          Q. Okay. So did he get into the  
12 ambulance at any point?

13          A. It took a while. It took about maybe  
14 about 15, 20 minutes to get him inside there.

15          Q. How did you get him in the ambulance?

16          A. We had to persuade him, coerce him a  
17 little bit.

18          Q. Okay. When he got into the ambulance,  
19 what happened?

20          A. He was kind of wild. Like I said, he  
21 was belligerent towards us and my partner. And  
22 we just kind of calmed him down a little bit,  
23 and then said get you to the hospital, get you  
24 stitched up, and do whatever you want after

1 Q. And who did he physically threaten  
2 you?

3 A. Mostly it was just verbally abuse.

4 Q. So it was verbal abuse?

5 A. Just verbal abuse. The F word.

6 Q. Okay. Did he ever lunge at you, swing  
7 at you?

8 A. Negative.

9 Q. If a patient is physically threatening  
10 in the sense that they lunge or swing at you,  
11 what is the protocol for a paramedic to do?

12 A. Well, in my line of job, we try to  
13 anticipate if we're going to have a violent  
14 patient or not. And what we do is either -- if  
15 we feel like we're going to be tying this guy  
16 up, we'll end up calling reinforcements, either  
17 our engine, or we'll call and get it for CPD,  
18 and we'll just stand by.

19 Q. Did you call for reinforcement in this  
20 instance?

21 A. No. I think we handled it by  
22 ourselves pretty well.

23 Q. Do paramedics have restraints or any  
24 type of --

1 A. Yes, we do.

2 Q. And what kind of restraints?

3 A. We have soft -- soft or leather  
4 restraints.

5 Q. Okay. And were they used in this  
6 instance?

7 A. Negative.

8 MS. ALIKHAN: Okay. I have no further  
9 questions for this witness.

10 HEARING OFFICER JOHNSON: Any cross?

11 MR. FAHY: Yes, please.

12 CROSS-EXAMINATION

13 BY MR. FAHY:

14 Q. Sir, when you first met the patient,  
15 Mr. Miles, you described him being very  
16 uncooperative, correct?

17 A. Yes.

18 Q. That was with both you and your  
19 partner?

20 A. Yes.

21 Q. In addition to that, could you tell  
22 whether or not he appeared to be intoxicated to  
23 you?

24 A. He admitted to drinking.

1 Q. Okay. In addition to admitting that  
2 he had been drinking, based on your  
3 observations could you tell he was under the  
4 influence of some type of substance?

5 A. Yes. The smell.

6 Q. Now, in addition to yelling names at  
7 you and being uncooperative, it did take you  
8 several minutes to get him into the ambulance,  
9 correct?

10 A. Yes, it did.

11 Q. And the reason for that is because he  
12 was uncooperative with you?

13 A. Yes, he was.

14 Q. And you did testify on direct  
15 examination that at some point you did feel  
16 physically threatened by him?

17 A. Well, we do -- we felt -- we feel that  
18 we always go with our sixth sense. And you  
19 know, we have to make sure that we can back off  
20 or either call for help. In the beginning we  
21 were like that, you know. We felt like, you  
22 know, we might have to just call for backup.  
23 And we tamed him, and then we just get him in.  
24 It took a while to get him in.

1 Q. Did you -- did you at one point while  
2 you were on the scene call for a police assist  
3 because he was so uncooperative?

4 A. Negative. Usually when it's a  
5 stabbing, CPD responds.

6 Q. Pardon me?

7 A. Usually on a stabbing CPD responds.  
8 Chicago Police always responds on a stabbing, a  
9 gunshot. I never call for a backup because  
10 usually we expect them to be there before us  
11 actually.

12 Q. So you -- did you speak with an  
13 Investigator Lyons from the Chicago Police  
14 Department Office of Professional Standards  
15 after this incident?

16 A. I think I did.

17 Q. Okay.

18 A. And again, this is two years ago,  
19 so...

20 Q. No, I understand. And do you remember  
21 speaking with her on September 9th, 2005?

22 A. Again, it was two years ago.

23 Q. Do you remember giving a statement to  
24 that investigator?

1           A. I gave some type of statement, but I  
2       don't remember to who.

3           MR. FAHY: If I may have a moment.

4                       (Brief Pause)

5           MR. FAHY: May I approach?

6           HEARING OFFICER JOHNSON: Yeah.

7       BY MR. FAHY:

8           Q. Sir, I'm showing you what's been  
9       marked as Respondent's Exhibit Number 1 for  
10      identification. Do you recognize what that is?

11          A. A statement.

12          Q. A statement by whom?

13          A. According to this, it was given by me.

14          Q. Okay. And does your signature appear  
15      on that statement?

16          A. Yep.

17          Q. And is that the statement that you  
18      gave to Investigator Lyons on September 9th,  
19      2005 relative to this incident?

20          A. If -- yes.

21          Q. And did you read that statement before  
22      you had signed it?

23          A. Yes.

24          Q. I'm just going to ask you, calling

1 your attention to Page 2 of the statement on  
2 the top paragraph. In that statement -- I'm  
3 going to ask you if you could read that  
4 paragraph, actually.

5 A. The top one?

6 Q. Yes. The top paragraph of Page 2.

7 A. In the back, with Miles after he was  
8 placed inside --

9 Q. No, I'm sorry. If you could read it  
10 to yourself.

11 A. Oh, I thought you said read it --

12 Q. I'm sorry.

13 (Brief Pause)

14 THE WITNESS: Okay.

15 BY MR. FAHY:

16 Q. Does that refresh your memory as to  
17 whether or not you called for a police assist  
18 while you were on the scene?

19 A. According to that, it says we did call  
20 for police. But again, the incident was two  
21 years ago, so...

22 Q. Okay. So as you sit here today, you  
23 don't know if you remember calling for an  
24 assist?



1 A. Exactly.

2 Q. But on September 9th of 2005 you did  
3 tell the investigator that you had called for  
4 an assist, correct?

5 A. Yes. According to that, yes.

6 Q. And that's because Miles was so  
7 uncooperative, correct?

8 A. Yes. And belligerent, according to  
9 that piece of paper.

10 Q. And when you say an assist, you  
11 specifically said a police assist?

12 A. Yeah, because there was nobody there.

13 Q. Now, when you arrived at the hospital,  
14 you again had problems with Mr. Miles, correct?

15 A. Yes, we did.

16 Q. He refused to get out of the  
17 ambulance.

18 A. Yes, he did.

19 Q. Again, he was yelling and being  
20 uncooperative with you?

21 A. Yes, he was.

22 Q. And that's when you were assisted by  
23 other security agents at the hospital, correct?

24 A. Yes. There was one when we opened the

1 door, she heard the yelling, and she came to  
2 our aid.

3 MR. FAHY: I have no further  
4 questions.

5 HEARING OFFICER JOHNSON: Any  
6 redirect?

7 MS. ALIKHAN: I have no redirect.

8 HEARING OFFICER JOHNSON: Okay. So if  
9 you can unclip your mike. Thanks for coming.  
10 Appreciate it.

11 (Witness Excused.)

12 (The witness was duly sworn.)

13 ERIKA GARDUNO,  
14 called as a witness herein, having been first  
15 duly sworn, was examined and testified as  
16 follows:

17 DIRECT EXAMINATION

18 BY MS. ALIKHAN:

19 Q. Please state and spell your name for  
20 the record.

21 A. Erika Garduno, last name  
22 G-A-R-D-U-N-O.

23 Q. Okay. And Ms. Garduno, are you  
24 employed?

1 A. Yes, ma'am.

2 Q. Where are you employed?

3 A. Chicago Fire Department, Ambulance 48.

4 Q. What is your position there?

5 A. I'm a paramedic.

6 Q. How long have you been a paramedic?

7 A. With the City?

8 Q. Yes.

9 A. With the City, seven years.

10 Q. On August 2nd, 2005 were you called  
11 out to West North Avenue?

12 A. Yes, ma'am.

13 Q. What was the reason?

14 A. I believe it was a battery.

15 Q. And what happened when you arrived?

16 A. On the -- at the corner of the  
17 address -- excuse me. At the corner of the  
18 address -- I don't -- I don't remember  
19 specifically the address right now, but I know  
20 we came out -- off of North Avenue. There was  
21 argument going on on the second floor.

22 The patient finally came out to  
23 the doorstep of our ambulance, and he seemed to  
24 have been battered. Some bloodstains

1 throughout his body, like face and I believe  
2 chest and arms, just bloodstains.

3 At that point we didn't know where  
4 the injury had been occurred. So it took us a  
5 little convincing to let him come into the  
6 ambulance or ask him to come into the  
7 ambulance. Finally after we convinced him, we  
8 had him in the -- on the bench.

9 Q. Okay.

10 A. He was agitated, and that's the reason  
11 why it took us that long to convince him.

12 Q. Well, let's back up a second. You  
13 said we. Who are you referring to as we?

14 A. My partner and I.

15 Q. Who is your partner?

16 A. George Pedon at that time.

17 Q. Okay. And you stated the patient. Do  
18 you know the patient's name?

19 A. No, to be honest with you.

20 Q. Can you describe the patient?

21 A. I just know he was a tall  
22 African-American male.

23 Q. Around what age, do you know,  
24 approximation?

1 A. Maybe late 40's, early 50's.

2 Q. So you stated that you tried to get  
3 him into the ambulance?

4 A. Correct.

5 Q. Okay. And please describe that.

6 A. Just since he needed a medical  
7 assistance from the bloodstains, that indicated  
8 to us that he needed some care. And of course  
9 since we were called onto the scene, we made  
10 the assumption that he was a patient so we  
11 needed to transport.

12 So convincing him by asking him to  
13 come to the ambulance so we can transport him  
14 to the hospital -- nearest hospital for medical  
15 care, he was belligerent, a little agitated,  
16 saying -- and the specifics I do not remember.  
17 The context of the conversation that he was --  
18 or the story that he was saying, like the  
19 reason why he was upset.

20 So anyway, he was referring to the  
21 person upstairs, I believe, that he had had the  
22 argument with. So he was referring to that,  
23 and he was saying no one's going to take me  
24 anywhere. I'm fine. Just let me go.

1                   And finally after we convinced him  
2                   to come into the ambulance, he somewhat calmed  
3                   down, but he was still agitated in the back.

4                   Q.   By belligerent and agitated, what  
5                   specifically do you mean by that as far as  
6                   conduct?

7                   A.   Well, agitated only because he didn't  
8                   want us to take care of him. And he said at  
9                   one point: You white people, you don't treat  
10                  me. You let me go. And belligerent, just  
11                  using profanity, that type of belligerent.

12                  Finally my partner explained to  
13                  him that we weren't white people, that we were  
14                  Hispanic, and that we were there to help him  
15                  out and take care of him. At that point he  
16                  calmed down, and we took him to the hospital.

17                  Q.   At any point did he physically  
18                  threaten you?

19                  A.   I don't remember, to be honest with  
20                  you.

21                  Q.   Okay. Do you remember --

22                  A.   Wait. I believe what we were trying  
23                  to convince him that it was -- we had called  
24                  for police backup, so police and I -- it still

1 took a while to -- to have police backup. I  
2 don't think we even got police backup at the  
3 scene. What else?

4 Q. Who called for the police backup?

5 A. I believe my partner did.

6 Q. And do you know the reason?

7 A. Just because he was a little hard to  
8 convince to calm down and to care for.

9 Q. In what instance would you call for  
10 police backup?

11 A. Any time that we are threatened  
12 physically --

13 Q. Okay.

14 A. -- by any patient.

15 Q. Were you threatened physically by a  
16 patient?

17 A. I believe, if we had asked for police  
18 backup I -- yes.

19 Q. But you can't remember specifically --

20 A. No, not specifics, no.

21 Q. While in the ambulance was the patient  
22 restrained in any manner?

23 A. No.

24 Q. Why is that?

1           A.    Because we finally had convinced him  
2   to calm down.

3           Q.    When you got to the hospital what  
4   happened?

5           A.    I went and get a wheelchair to  
6   transport the patient from the ambulance to the  
7   ER for -- to continue with the medical care.

8           Q.    Okay. Was there any incident when he  
9   was taken out of the ambulance?

10          A.    Yeah. He stepped out after I -- I  
11   arrived to the side of the ambulance or the  
12   back of the ambulance with the wheelchair. He  
13   stepped out, he sat in the am -- you know, on  
14   the wheelchair, and I transported him to the  
15   ER.

16          Q.    Right. I guess my question is was he  
17   cooperative while exiting the ambulance?

18          A.    Was he cooperative in the ambulance?  
19   Yes.

20          Q.    While exiting the ambulance?

21          A.    Yes.

22          Q.    He was?

23          A.    Yes.

24          Q.    Okay. And at that point you had



1 turned him over to the hospital --

2 A. Correct.

3 Q. -- for care?

4 A. We transferred care to the hospital.

5 MS. ALIKHAN: Okay. I have no further  
6 questions at this point.

7 HEARING OFFICER JOHNSON: Cross.

8 CROSS-EXAMINATION

9 BY MR. FAHY:

10 Q. Ma'am, you testified that -- on your  
11 Direct Examination that the reason why you  
12 would call for Chicago Police backup is when  
13 you're physically threatened by a patient,  
14 correct?

15 A. Correct.

16 Q. Okay. A Chicago Police backup was  
17 called in this particular instance, correct?

18 A. I believe so, yes.

19 Q. Okay. You just don't remember --

20 A. I know that they never arrived to the  
21 scene.

22 Q. Okay.

23 A. I do remember -- I believe we had  
24 requested for police backup.

1 Q. Okay. And that's because of the  
2 behavior of Mr. Miles, correct?

3 A. Correct.

4 Q. And in addition to being drunk -- or  
5 belligerent, did you also make observations as  
6 to whether or not he was intoxicated?

7 A. Yes.

8 Q. Was it pretty obvious to you that he  
9 was --

10 A. Yes.

11 Q. -- intoxicated based on your  
12 experience?

13 A. Yes.

14 Q. Now, you mentioned at the hospital  
15 when you got there, did you leave the ambulance  
16 to go get the wheelchair?

17 A. Correct.

18 Q. Okay. So there was a time that your  
19 partner was alone?

20 A. My partner was -- yeah, my partner was  
21 always in the back with him.

22 Q. Okay. So with regards to Mr. Miles'  
23 behavior at the hospital, did you see him when  
24 he was refusing to get out of the ambulance?

1           A. Did I -- no. Getting out of the  
2 ambulance --

3           MS. ALIKHAN: Objection. There's --

4           THE WITNESS: No.

5           MS. ALIKHAN: -- no facts in evidence  
6 that indicate -- she didn't testify he  
7 refused --

8           HEARING OFFICER JOHNSON: Well, I  
9 think that question could be did she observe  
10 him as he was being -- coming out of the  
11 ambulance, or was she doing something else.

12           MR. FAHY: I'll recast the question.  
13 BY MR. FAHY:

14           Q. Did you see him being brought out of  
15 the ambulance?

16           A. Well, yeah. I was the one that  
17 transported him from --

18           Q. How -- from the time that you left the  
19 ambulance to go get the wheelchair and come  
20 back, how much time passed?

21           A. Oh, gosh. Maybe a minute.

22           Q. Okay. Did you or your partner ask for  
23 assistance at that point?

24           A. No.

1           Q. Do you remember security personnel  
2 assisting you and your partner with the patient  
3 at that point?

4           A. Not from the ambulance, no. We may  
5 have requested security assistance -- no. No,  
6 we did not.

7           Q. Are you saying you did not request  
8 security assistance?

9           A. No, we didn't -- I didn't.

10          Q. Do you know if security assistance did  
11 come to help you and your partner with the  
12 patient?

13          A. I don't recall that.

14               MR. FAHY: I have no further  
15 questions.

16               HEARING OFFICER JOHNSON: Redirect?

17               MS. ALIKHAN: No redirect.

18               HEARING OFFICER JOHNSON: Okay. So if  
19 I can unclip your mike. All right. Okay.  
20 Thanks for coming.

21                               (Witness Excused.)

22                               (The witness was duly sworn.)

23                               VICENTE SEBASTIAN,  
24 called as a witness herein, having been first

1     duly sworn, was examined and testified as  
2     follows:

3                     DIRECT EXAMINATION

4     BY MS. ALIKHAN:

5             Q.     Good morning.

6             A.     Good morning.

7             Q.     Please state and spell your name for  
8     the record.

9             A.     My name is Vicente, V-I-C-E-N-T-E,  
10    Sebastian, S-E-B-A-S-T-I-A-N.

11            Q.     Okay. Mr. Sebastian, are you  
12    employed?

13            A.     Yes.

14            Q.     Where are you employed?

15            A.     I'm employed at Norwegian American  
16    Hospital.

17            Q.     What is your position at Norwegian  
18    American Hospital?

19            A.     I'm a security officer.

20            Q.     How long have you been a security  
21    officer?

22            A.     About 32 years.

23            Q.     Okay. Do you recall an incident on  
24    August 2nd, 2005 regarding a police officer and

1 a patient at Norwegian American Hospital?

2 A. Yes.

3 Q. And where did that incident take  
4 place?

5 A. It took place inside the ER lobby  
6 area.

7 Q. Were you working that day?

8 A. Yes.

9 Q. And where were you when the incident  
10 took place?

11 A. I was behind the patient wheelchair.

12 Q. So please describe for the Court what  
13 happened.

14 A. It started when the paramedics, the  
15 ambulance asked me for assistance to bring the  
16 patient out of the ambulance and to put him in  
17 the wheelchair and take him inside the ER  
18 triage. So I was able to convince the patient  
19 to come out of the ambulance and go to the  
20 wheelchair, and I took him inside the triage.

21 And then the nurse in triage tried  
22 to triage the patient, but he was very  
23 uncooperative. And so the nurse took him out  
24 of the triage and said when you're ready, when

1 you're calmed down, and I will -- I'll talk to  
2 you again.

3 Q. Okay. Let me stop you there for a  
4 second. You said the patient was uncooperative  
5 with the triage nurse. Can you describe that  
6 in more detail?

7 A. Okay. The triage, usually when they  
8 take a patient inside the hospital, they have  
9 to be triaged by the nurse, and they evaluate,  
10 you know, the condition of the patient. But he  
11 was highly intoxicated and verbally abusive  
12 subject in the wheelchair.

13 Q. How do you know that the subject in  
14 the wheelchair was intoxicated?

15 A. That's what I was told by the  
16 paramedics when I came out to get him out of  
17 the ambulance.

18 Q. So you were told by the paramedics?

19 A. Right.

20 Q. And you said he was verbally abusive,  
21 and what does that mean in specific?

22 A. Well, cursing, you know, using the F  
23 language, you know.

24 Q. Okay. So go on.

1           A.    And so when he wasn't able to  
2   cooperate with the nurse in triage, we brought  
3   him outside the ER lobby area, you know,  
4   outside the door. And then Police Officer  
5   Cozzi came in and tried to question him, and he  
6   got loud and abusive with the police officer,  
7   you know. And then he applied handcuff on him  
8   on the front position.

9           Q.    Okay. So you said that the patient  
10   that you took from the ambulance became loud  
11   and abusive with the police officer. And  
12   abusive, what do you mean?

13          A.    Same thing as, you know, cursing him  
14   loud, being loud.

15          Q.    So cursing and being loud.

16          A.    Yeah.

17          Q.    And you said at that point the officer  
18   applied handcuffs?

19          A.    Yeah. In the front position.

20          Q.    Okay. Do you see that officer here  
21   today?

22          A.    Yes.

23          Q.    And can you point him out and describe  
24   a piece of clothing that he's wearing?



1           A.   He's wearing a suit with like cream --

2           HEARING OFFICER JOHNSON:   Yeah.   We'll

3   recognize the identification of Officer Cozzi.

4   He doesn't deny that he was there.

5   BY MS. ALIKHAN:

6           Q.   Okay.   So after he applied the

7   handcuffs, please go on.

8           A.   Okay.   And then he left to get

9   something from -- I don't know.   He left the

10   emergency room.   So I gather to get something

11   from his car.

12          Q.   So did he physically walk outside or

13   he just left the emergency room?

14          HEARING OFFICER JOHNSON:   This is

15   Officer Cozzi we're talking about?

16          THE WITNESS:   Yes.

17          HEARING OFFICER JOHNSON:   All right.

18          THE WITNESS:   And he left and he walk

19   out through the emergency room.   When he came

20   back, he had leg -- leg iron, you know, leg

21   shackles.   And he applied the shackles on

22   the -- on the main subject.

23   BY MS. ALIKHAN:

24          Q.   So at that point the patient was

1 handcuffed, and then he was put leg shackles  
2 on?

3 A. Uh-huh.

4 Q. What were the leg shackles attached  
5 to?

6 A. It was just both legs chained.

7 Q. Was the patient standing up or...

8 A. No. He's still sitting down in the  
9 wheelchair.

10 Q. He was in the wheelchair. What  
11 happened after the shackles were applied?

12 A. There was some verbal discussion  
13 between them, and Officer Cozzi took out a  
14 blackjack and hit him, I think, a couple in the  
15 chest, you know, about several times. And then  
16 on the -- on the face and then somewhere in the  
17 chest. I would say maybe about eight or maybe  
18 nine or ten counts.

19 Q. Okay. Do you know what a blackjack  
20 is?

21 A. Yeah. It's a like simple -- like  
22 simple thing about -- maybe about this long.

23 Q. Okay. And what does it look like?

24 A. It's shaped like a -- like a maybe

1 a -- I would describe it like a wooden spoon  
2 that was wrapped in a -- in a leather.

3 Q. You saw Officer Cozzi with that  
4 object?

5 A. Yeah.

6 Q. Do you know where that object came  
7 from?

8 A. From his waist. Took it out of his  
9 waist.

10 Q. You stated that he hit the patient in  
11 the chest a couple of times?

12 A. A total of maybe -- I don't know.  
13 Maybe, you know, including the facial -- the  
14 face, maybe about nine or ten.

15 Q. So was it only in the chest and the  
16 face that Officer Cozzi hit the patient?

17 A. Yeah. That's what I recall.

18 Q. And what happened with the patient  
19 after that?

20 A. We were told that there was a room  
21 available to -- you know, to put him -- to put  
22 the patient inside. So we -- I wheel him  
23 inside, inside the ER entrance door to the  
24 treatment area. And I think he hit him one

1 more time with the door.

2 Q. Now, while you were -- while you were  
3 caring for the patient or transporting the  
4 patient from the ambulance to the ER, did the  
5 patient ever try to physically abuse you?

6 A. No. But it's verbal -- it's verbally  
7 abusive, but you know, we all get that in the  
8 hospital, so you just ignore it.

9 Q. Did you ever witness the patient try  
10 to physically abuse the police officer?

11 A. I think he tried to lunge at the --  
12 lunge at him.

13 Q. Okay. And when did that happen?

14 A. When we were -- when the nurse in  
15 triage said he's not cooperating, you know.  
16 Bring him outside the door. And when he was  
17 questioning him or something, he tried to lunge  
18 -- lunge at him, and I grab him back.

19 Q. Did he try to -- did you see him swing  
20 his arm?

21 A. Well, he was already handcuffed.

22 Q. He was already handcuffed. Did...

23 Were the shackles already placed  
24 on him?

1           A.   No.   I think handcuff came first, and  
2   then he went out and got the shackles.

3           MS. ALIKHAN:   Okay.   No further  
4   questions at this time.

5           HEARING OFFICER JOHNSON:   Any cross of  
6   this witness?

7           MR. FAHY:   I do.   Thank you.

8                       CROSS-EXAMINATION

9   BY MR. FAHY:

10           Q.   Mr. Sebastian, the paramedics had  
11   asked you for assistance with this particular  
12   patient, correct?

13           A.   Yes.

14           Q.   So you went out and assisted the  
15   Chicago Fire Department ambulance personnel --

16           A.   Right.

17           Q.   -- with this particular patient,  
18   right?

19                       When you first saw this patient,  
20   was the patient being argumentative?

21           A.   Correct.

22           Q.   Was he being uncooperative with you  
23   and the -- and the ambulance personnel?

24           A.   Yes.

1 Q. You testified that he appeared to you  
2 to be intoxicated, correct?

3 A. That's what the paramedics told me.

4 Q. Okay. Based on your observations, did  
5 you believe him to be in an intoxicated state?

6 A. Yes.

7 Q. Now, when he was brought into the --  
8 into the hospital, he continued to be  
9 uncooperative and loud towards the personnel  
10 there?

11 A. Yes.

12 Q. The triage nurse refused to treat him?

13 A. Yeah. He just cursing and -- all  
14 over.

15 Q. Okay. And it was shortly after that  
16 that Officer Cozzi actually arrived on the  
17 scene, correct?

18 A. Correct.

19 Q. Now, when Officer Cozzi first arrived,  
20 he tried to question Mr. Miles?

21 A. Yes.

22 Q. And it was at that time that Mr. Miles  
23 became very combative?

24 A. Uh-huh.

1 Q. And he also was verbally abusive  
2 towards Officer Cozzi?

3 A. Correct.

4 Q. And would not cooperate with him,  
5 correct?

6 A. Yeah.

7 Q. Now, when you say that he was verbally  
8 abusive at that point, what do you mean?

9 A. Cussing you out, you know, the F word  
10 and -- you know.

11 Q. And that was all prior to him being  
12 handcuffed, correct?

13 A. Yeah. When he did that, he applied  
14 the handcuffs. So I thought he was under  
15 arrest already, you know.

16 So usually when the subject in the  
17 hospital is placed under arrest, you know, we  
18 try to back off because that's their prisoner.

19 Q. Okay. But you also described him and  
20 Officer Cozzi first tried to question him as  
21 being very combative also, correct?

22 A. The first time they met?

23 Q. Yes.

24 A. Yes, sir.

1 Q. And what do you mean by that?

2 A. Well, he tried to question him, and  
3 then he just, you know -- you know, yelling and  
4 screaming and cursing at Officer Cozzi.

5 Q. And at one point he actually lunged at  
6 Officer Cozzi, correct?

7 A. Yeah.

8 Q. Okay. After he lunged at Officer  
9 Cozzi, is that when Officer Cozzi placed him  
10 under arrest?

11 A. I don't know if it was originally -- I  
12 don't know if it was originally being placed  
13 under arrest before their confrontation, you  
14 know. So after he lunged, he put a handcuff on  
15 him.

16 Q. Okay. So after the patient lunged,  
17 that's when Officer Cozzi handcuffed him?

18 A. Right.

19 Q. Okay. And after he handcuffed him,  
20 that's when he went out and got the leg cuffs?

21 A. Right. See, I really don't know where  
22 he went. I know he went outside.

23 Q. Okay. And then returned with the leg  
24 cuffs?



1 A. Right,

2 Q. And after he returned with the leg  
3 cuffs, is it true that Mr. Miles at that point  
4 became even more enraged as a result of that?

5 A. Right.

6 Q. Now, did you hear Officer Cozzi tell  
7 him that he was being placed under arrest for  
8 resisting arrest?

9 A. Not really. It was -- you know,  
10 not -- I don't recall. I --

11 Q. You don't recall that? Okay.

12 A. No.

13 Q. Now, Officer Cozzi also talked to you  
14 about criminal charges against Mr. Miles,  
15 correct?

16 A. I don't recall it either.

17 Q. Well --

18 A. But see, when I -- when he applied the  
19 handcuff, I presumed he was under arrest.

20 Q. Okay.

21 A. Uh-huh.

22 Q. But he also asked you if you wanted  
23 him charged for assaulting you?

24 A. Yes.

1 Q. Okay. And did you agree that you  
2 wanted him charged for assaulting you?

3 A. Since -- since he's already under  
4 arrest under police custody, I said no because  
5 there's no reason for it.

6 Q. Are you telling me that you did -- you  
7 told Officer Cozzi that you did not want him  
8 charged with assaulting you?

9 A. I think so. That's what I said.

10 Q. Sir, did you sign criminal complaints  
11 for the charge of assault against you?

12 A. I don't remember really. It's been  
13 quite sometime.

14 Q. So you may have signed criminal  
15 complaints?

16 A. I may have signed. I may have.

17 Q. Do you remember Officer Cozzi  
18 presenting you with criminal complaints for the  
19 charge of assault?

20 A. I think he asked me that -- if I want  
21 to sign a complaint, but I don't remember if I  
22 signed the complaint. I'm not so sure. It's  
23 been quite sometime.

24 Q. So what you're telling us is you're

1 not sure if you had him charged with the  
2 offense of assault for his actions against you?

3 A. Towards me?

4 Q. Yes.

5 A. No.

6 Q. You don't remember?

7 A. I don't really remember.

8 Q. Well, isn't it true that you asked  
9 Officer Cozzi to have him charged with regards  
10 to the assault charge because of the threats he  
11 had made against you?

12 A. No. He's the one who suggested to me  
13 if I want to sign a complaint against him for  
14 his actions.

15 Q. Okay.

16 A. I don't remember that I asked him to.

17 Q. Okay. Well, let me just try it again.

18 Did you then sign those complaints  
19 charging him --

20 A. As I said, I don't remember it though,  
21 you know.

22 Q. You described Officer Cozzi as  
23 using -- I think you described it as a  
24 blackjack, correct?

1 A. Uh-huh.

2 Q. How large was it?

3 A. Probably -- I don't know. Maybe six  
4 or seven inches.

5 Q. Six or seven inches. And are you  
6 familiar with blackjacks?

7 A. I seen one.

8 Q. When you saw Officer Cozzi strike the  
9 blows, where were you?

10 A. I was behind the wheelchair with the  
11 patient.

12 Q. You were holding the back of the  
13 wheelchair?

14 A. Right.

15 Q. Did you react at all when you saw  
16 Officer Cozzi make striking motions and --

17 A. Actually I was -- as I said, being a  
18 security guard for so long, I don't involve  
19 myself with police matters, you know. See, I  
20 did that one time and --

21 Because, see, it might -- it  
22 might -- we might end up hurting the -- the  
23 person under police custody if he did attack us  
24 or provoke something that would attack us. So

1 usually when that thing happen, when he apply  
2 the handcuff, I just like back it off.

3 Q. But you were there?

4 A. I was there.

5 Q. Do you remember Officer Cozzi, you  
6 know, telling the patient not to be acting up  
7 in front of the hospital personnel?

8 A. Yeah.

9 Q. And was he warning him not to do that  
10 when he was brought into the emergency room?

11 A. Yeah.

12 Q. And was he warning him not to do that  
13 while he administered some of these strikes?

14 A. What happened, sir, again?

15 Q. Was he telling the patient not to be  
16 acting up when he was brought into the  
17 emergency room as he's administering some of  
18 that -- some of the blows or the strikes?

19 A. No. But there is a word that he  
20 mentioned. I don't work here. I don't care.  
21 You know.

22 Q. Now, the patient wasn't injured as a  
23 result of any of this contact that he had with  
24 Officer Cozzi, was he?

1           A. I don't really visibly know if he had  
2 any injury.

3           Q. Okay. Well, after this he was brought  
4 right into the emergency room, correct?

5           A. Uh-huh.

6           Q. And he was treated by doctors there?

7           A. Right. He had --

8           Q. Did you remain there?

9           A. Oh, no. Once he is placed inside the  
10 ER bed treatment, you know, we give the rest to  
11 the staff to do what they have to do.

12          Q. Okay. So you did not observe any  
13 injuries other than what you --

14          A. I didn't notice -- I didn't notice any  
15 injuries.

16          Q. Okay. Other than the  
17 one laceration --

18          A. Right.

19          Q. -- that he had on his arm?

20               MR. FAHY: I have no further  
21 questions.

22                       REDIRECT EXAMINATION

23 BY MS. ALIKHAN:

24          Q. Mr. Sebastian, you said that the

1 patient was handcuffed after he lunged at the  
2 police officer; is that correct?

3 A. Yeah.

4 Q. Okay. And then at some point he was  
5 handcuffed, and then a little bit later on he  
6 was put -- shackles were put on him?

7 A. He was handcuffed. After he was  
8 handcuffed, Officer Cozzi left and went outside  
9 the hospital, you know. So I don't know what  
10 he did, but then he came back with the shackle.

11 Q. Okay. And at that point the shackles  
12 were placed on him, correct?

13 A. Right.

14 Q. And then it was after that --

15 A. Shackle, he pulled the blackjack and  
16 hit him.

17 Q. Okay. So after initially that one  
18 lunge, did Mr. -- did the patient pose any  
19 threat to the police officer by swinging his  
20 fist --

21 A. He finally calmed down after -- after  
22 Officer Cozzi hit him.

23 Q. So he calmed down while --

24 A. After, you know. When he applied the

1 handcuff, he was still mouthing off, and he  
2 tried to lunge at Officer Cozzi. So I pulled  
3 him back, and then Officer Cozzi hit him and --  
4 you know, with the blackjack. And then that  
5 it. He calmed -- he didn't react no more.

6 Q. So it -- okay. I just want to get  
7 this clear. When exactly did Officer Cozzi hit  
8 the patient, at what point?

9 A. When he came back with the shackle.

10 Q. So was this before the shackles were  
11 placed or after?

12 A. After it was placed.

13 Q. So after the shackles were placed on  
14 is when Officer Cozzi hit the patient?

15 A. Right.

16 Q. Okay. And that's also after the  
17 patient had already lunged at Officer Cozzi,  
18 correct?

19 A. Yeah. After he handcuffed him, he  
20 tried to lunge at Officer Cozzi.

21 Q. All right. So you stated earlier that  
22 offic -- that the patient never tried to  
23 physically threaten you; is that correct?

24 A. Well, he is mouth -- not physically



1 threatening me. He was just mouthing off,  
2 cursing me.

3 VIDEOGRAPHER: One moment, please.

4 (Brief Pause)

5 HEARING OFFICER JOHNSON: Okay. You  
6 want to proceed?

7 BY MS. ALIKHAN:

8 Q. Now Mr. Sebastian, you also stated  
9 that when Officer Cozzi asked if you wanted to  
10 proceed with charges of assault against the  
11 patient you said no, correct?

12 A. Yeah. I think so.

13 Q. Okay. And you -- also on  
14 Cross-Examination you stated that Officer Cozzi  
15 was saying something when he was hitting the  
16 patient?

17 A. Right.

18 Q. And what was he saying?

19 A. He said I don't care. I don't work  
20 here.

21 Q. And when you wheeled -- was it you  
22 that wheeled the patient into the ER room?

23 A. Yes.

24 Q. How long did -- and how long did you

1 stay after you had wheeled him into the ER  
2 room?

3 A. Once we got him in the bed that he was  
4 assigned, you know, which is Bed 7, we put him  
5 in the bed and removed the shackle and applied  
6 the restraint on the patient.

7 Q. How long would you say that took?

8 A. Probably about maybe around five  
9 minutes.

10 Q. Five minutes. And then you left?

11 A. Then I left.

12 Q. Did you see the patient at any point  
13 after that?

14 A. No.

15 MS. ALIKHAN: Okay. I have no further  
16 questions.

17 HEARING OFFICER JOHNSON: Any recross?

18 MR. FAHY: No, your Honor.

19 HEARING OFFICER JOHNSON: Okay. If  
20 you want to unhook your microphone, okay?  
21 Thank you for coming.

22 (Witness Excused.)

23 HEARING OFFICER JOHNSON: You want to  
24 take a seat right up here on this chair.

1 (The interpreter was duly  
2 sworn)

3 (The witness was duly sworn.)

4 EVELYN ESTRADA,  
5 called as a witness herein, having been first  
6 duly sworn, was examined and testified as  
7 follows:

8 DIRECT EXAMINATION

9 BY MS. ALIKHAN:

10 Q. Please state and spell your name for  
11 the record.

12 A. Evelyn Estrada, E-S-T-R-A-D-A,  
13 E-V-E-L-Y-N.

14 Q. Ms. Estrada, are you employed?

15 A. Yes.

16 Q. Where are you employed?

17 A. At the hospital, Norwegian American  
18 Hospital.

19 Q. How long have you worked there?

20 A. Approximately seven years.

21 Q. What's your position there?

22 A. Security.

23 Q. On August 2nd, 2005 did you witness an  
24 incident between a police officer and a

1 patient?

2 A. Yes.

3 Q. And where -- were you working that  
4 day?

5 A. Yes.

6 Q. Where did that incident take place?

7 A. At the emergency room, emergency -- at  
8 the lobby of the emergency room.

9 Q. And where are you in relation to where  
10 the incident took place?

11 A. I was at the emergency lobby.

12 Q. Approximately how many feet were you  
13 away from the incident?

14 A. First I was outside the emergency,  
15 outside the lobby, and a paramedic called me  
16 saying that he needed help because of a patient  
17 that was inside the ambulance who did not want  
18 to come out of the ambulance.

19 We took him inside the vestibule  
20 in the chair of the lobby. And then after that  
21 we took him inside...

22 THE WITNESS: Triage.

23 BY THE INTERPRETER:

24 A. Triage. I don't know how to say that

1 in Spanish.

2 Q. Let's back up a second. You said that  
3 you were first outside helping the paramedics  
4 with an uncooperative patient?

5 A. Okay. When this all occurred, it was  
6 inside the emergency, not at the vestibule.

7 Q. Right. But I want to take you back to  
8 when you were outside.

9 A. Okay. Me and Sebastian, my co-worker,  
10 I helped him with the patient. And then we put  
11 him inside the triage.

12 Q. Okay. You stated earlier that the  
13 patient -- you needed to help with an  
14 uncooperative patient. In what way was that  
15 person being uncooperative?

16 A. He didn't want to come out of the  
17 ambulance, and also he was cussing, saying bad  
18 words. And then we took him inside the triage  
19 along with the nurse. And then he started also  
20 speaking badly to the nurse. And he was  
21 threatening her. It was then that the nurse  
22 said that she wasn't going to take care of him  
23 until he will calm down.

24 Q. How was he threatening her?

1           A. Well, he was saying that he was going  
2 to hit her, and he got up once, but due to the  
3 fact that he was intoxicated, he wanted to hit  
4 the nurse.

5 Q. Did he hit the nurse?

6 | A. No.

7 Q. Did you see him swing his arms to hit  
8 the nurse?

9           A. Well, due to his intoxication, he  
10   wasn't able to. He was just trying to.

11 Q. How do you know he was trying to?

12 A. Because I was watching him.

13 Q. Okay. Did you see his arms swing?

14 A. He went like this.

15 (Demonstrating)

16 BY MS. ALIKHAN:

17 Q. So he grabbed towards her?

18 A. He tried.

19 Q. Okay. So after the nurse said that  
20 she didn't want to treat him anymore, what  
21 happened?

22           A. Then we got him out of the triage.  
23 Then once we were outside the triage at the  
24 lobby, the officer put the handcuffs on him.

1 Q. When did you first see the officer?

2 A. Once the paramedic came in with us, he  
3 was already behind us.

4 Q. Okay. So what happened at that point?

5 A. Well, then the patient was already  
6 inside the triage.

7 Q. And what happened inside the triage?

8 A. We were just staying there hoping that  
9 nothing would happen about the nurse.

10 Q. Okay. Where was the patient at that  
11 point?

12 A. He was sitting on a wheelchair.

13 Q. And were his hands and legs free?

14 A. Yes.

15 Q. Did the officer ever approach the  
16 patient?

17 A. Not inside the triage, but he did at  
18 the door.

19 Q. Okay. So when was the patient taken  
20 out of triage?

21 A. Once the nurse said that she wasn't  
22 going to do the triage to him because of the  
23 way he was and that he had to calm down first.

24 Q. So were you inside the triage as well?

1 A. No. I was at the door.

2 Q. How did the patient get from inside  
3 the triage to outside of the triage?

4 A. When we went to the other part, and  
5 then my co-worker got him out of the triage.

6 Q. Was he still in the wheelchair at this  
7 point?

8 A. Yes.

9 Q. When the officer approached the  
10 patient, what happened?

11 A. Okay. Once the officer noticed that  
12 he was talking badly, then he told the man that  
13 he was under arrest and he handcuff him.

14 Q. So the patient was talking badly to  
15 the officer, and that's when the officer placed  
16 him under arrest?

17 A. Yes. The patient was talking like  
18 that, ugly to everyone who was there.

19 Q. And by ugly, what do you mean?

20 A. Cursing.

21 Q. Was it just cursing?

22 A. And threatening.

23 Q. And what did he threaten?

24 A. That he was going to kill everyone.



1 Q. Okay. You say that he said he was  
2 going to kill everyone. Did he ever threaten  
3 to kill you?

4 A. No. He wasn't referring to no one in  
5 particular.

6 Q. Okay. Did the patient ever try to  
7 physically hurt you?

8 A. No.

9 Q. Did you see the patient ever try to  
10 physically hurt the police officer?

11 A. Only by words.

12 Q. Okay. So at what point were the --  
13 when the officer said put on the handcuffs,  
14 what point was that?

15 A. Once my co-worker got the wheelchair  
16 outside, outside the triage, in the lobby.

17 Q. So at that point, that's when the  
18 officer placed the handcuffs on the patient?

19 A. Yes.

20 Q. What happened after the handcuffs were  
21 placed on the patient?

22 A. Then the doctor was going by, and he  
23 start giving orders pertaining to the patient.  
24 And then at that moment the officer went

1 outside, outside the building. And then he  
2 came back a few minutes later with some  
3 shackles, and he placed them on his feet.

4 Q. What was the patient doing at that  
5 point?

6 A. Nothing.

7 Q. Was he yelling?

8 A. No.

9 Q. So after the shackles were placed onto  
10 the patient's feet, what did you observe after  
11 that?

12 A. That the officer took out an object, a  
13 round object, small, it looked like it was  
14 leather, and with it he hit him at the face and  
15 the chest.

16 Q. Did he hit the patient anywhere else  
17 with that?

18 A. At the stomach.

19 Q. Do you know about how many times the  
20 police officer hit the patient?

21 A. Approximately ten times.

22 Q. Did you ever see -- prior to the  
23 patient being handcuffed or shackled, did you  
24 ever see the patient lunge at the police

1 officer?

2 A. No.

3 Q. And when all this was happening, where  
4 were you in relation to the incident?

5 A. Where was I?

6 Q. Yes.

7 A. To the side of my co-worker, behind  
8 the wheelchair.

9 Q. Do you -- when the police officer was  
10 hitting the patient, do you recall if he was  
11 saying anything while he was hitting him?

12 A. He wasn't saying anything.

13 Q. The police officer wasn't saying  
14 anything?

15 A. The policeman said something.

16 Q. What did he say?

17 A. He said -- I don't know how to say it  
18 in Spanish.

19 Q. Do you know how to say it in English?

20 A. Can I say that in here in court?

21 HEARING OFFICER JOHNSON: Yes.

22 BY THE WITNESS:

23 A. I don't give a shit. I don't work  
24 here. I don't give a shit. I don't work here.

1 I'm not security.

2 BY THE INTERPRETER: He said I don't  
3 give a shit. I don't work here. I'm a police  
4 officer.

5 THE WITNESS: I'm not security.

6 BY THE INTERPRETER: I'm not security.

7 BY MS. ALIKHAN:

8 Q. And what happened after that?

9 A. While, he was -- when he said that, he  
10 was hitting him, and then we were carrying him  
11 into the emergency. And then once, as we were  
12 getting through the door, he went ahead again  
13 and hit him again.

14 Q. So when you were getting through the  
15 emergency room doors, the officer hit the  
16 patient again?

17 A. That is when he was following and  
18 hitting him, yes.

19 Q. And where did he hit him that last  
20 time?

21 A. In the chest.

22 Q. Did you observe the patient bleeding  
23 or any -- from anywhere other than his initial  
24 wound?

1 A. From the mouth.

2 Q. Did you observe any other wounds?

3 A. Are you asking me besides the one that  
4 he had already -- he already had when he came  
5 in?

6 Q. Yes.

7 A. No.

8 Q. When he came in, did you observe him  
9 bleeding from the -- when he initially came  
10 in, did you observe him bleeding from the  
11 mouth?

12 A. No.

13 Q. What wounds did you observe him to  
14 have when he initially came in?

15 A. I only noticed a cut in one of his  
16 arms, but I don't know which one.

17 Q. Okay. Did you ever tell Officer Cozzi  
18 that you wanted to file a complaint against the  
19 patient for assault?

20 A. I don't remember that.

21 Q. Did you ever sign a complaint or a  
22 police report indicating that you wanted to  
23 press charges against the patient?

24 A. Vaguely I remember, yes.

1 Q. Do you remember what that piece of  
2 paper was?

3 A. No.

4 Q. You stated earlier that -- just to  
5 clarify, you stated earlier that the patient  
6 never tried to physically hurt you; is that  
7 correct?

8 A. Yes.

9 MS. ALIKHAN: I have no further  
10 questions for this witness.

11 HEARING OFFICER JOHNSON: Okay.  
12 Cross-Examination.

13 CROSS-EXAMINATION

14 BY MR. FAHY:

15 Q. Ma'am, you testified that you observed  
16 the patient to have bleeding from his mouth?

17 A. Yes.

18 Q. Are you saying that's a result of any  
19 strikes that Officer Cozzi administered?

20 A. Yes.

21 Q. You prepared a report with regards to  
22 this incident, didn't you?

23 A. Yes.

24 Q. And you prepared a report on the same

1 day of August 2nd, 2005, correct?

2 A. Yes.

3 Q. The only mention that you made with  
4 regards to the contact between Mr. Miles and  
5 Officer Cozzi was that Mr. Miles became  
6 verbally abusive and hostile towards Officer  
7 Cozzi, and he had to physically subdue  
8 Mr. Miles and put him in Room Number 7. Isn't  
9 that the only indication -- or the only thing  
10 that you report in your report relative to this  
11 incident?

12 THE INTERPRETER: Counsel, if you  
13 don't mind, I need to have that broken down.

14 MR. FAHY: I'll try it again.

15 BY MR. FAHY:

16 Q. Isn't it true, ma'am, that you never  
17 mentioned in your report that Officer Cozzi  
18 caused any bleeding to the patient's mouth?

19 A. No. I didn't mention that.

20 Q. Okay. Well, you prepared another  
21 report a week later, correct?

22 A. Possibly. I don't remember though.

23 Q. Well, I show you what I'll mark as  
24 Respondent's Exhibit Number 2 for

1 identification. And I'll show counsel.

2 THE INTERPRETER: 2 did you say,  
3 counsel?

4 MR. FAHY: Number 2.

5 BY MR. FAHY:

6 Q. Do you recognize that document?

7 A. Yes.

8 Q. And is that the report you made on  
9 August 2nd, 2005 with regards to this incident?

10 A. Possibly.

11 Q. What do you mean by possibly?

12 A. Because it happened two years ago, I  
13 almost don't remember. I remember the other  
14 one, handwrite it.

15 Q. Okay. What do you recognize Exhibit  
16 Number 2 to be?

17 A. That is my report.

18 Q. Okay. And that's your report that was  
19 made on August 2nd, 2005 after that incident,  
20 correct?

21 A. Yes.

22 Q. Nowhere in that report do you indicate  
23 that Officer Cozzi caused the patient's mouth  
24 to bleed, do you?



1 A. Excuse me?

2 Q. Is that indicated anywhere on that  
3 report?

4 A. No.

5 Q. In fact, the only thing indicated in  
6 this report is that Mr. Miles became verbally  
7 abusive and hostile towards Officer Cozzi, and  
8 he had to physically subdue Mr. Miles and put  
9 him in Room Number 7?

10 A. Yes.

11 Q. Now, you prepared another report a  
12 week later, correct?

13 A. Yes.

14 Q. And that was on August 9, 2005?

15 A. Yes.

16 Q. And you wrote that out?

17 A. Yes.

18 Q. You wrote it out in English?

19 A. Yes.

20 Q. In your report of August 9th, 2005 do  
21 you ever indicate anywhere in that report that  
22 Officer Cozzi caused an injury to the patient's  
23 mouth?

24 A. No.

1 Q. When Officer Cozzi first encountered  
2 Mr. Miles, isn't it true that he was trying to  
3 calm him down?

4 A. Yes.

5 Q. Isn't it true that Mr. Miles would not  
6 listen to the police officer?

7 A. Yes.

8 Q. The patient was abusive towards  
9 Officer Cozzi?

10 A. It was mostly against the nurse.

11 Q. Okay. With regards to Officer Cozzi,  
12 was he also verbally abusive to Officer Cozzi?

13 A. Possibly.

14 Q. Okay. Well, let me ask you. Before  
15 the patient was handcuffed, did you see the  
16 patient lunge at Officer Cozzi?

17 A. No.

18 Q. Did you see him try to get up out of  
19 the wheelchair and go after Officer Cozzi?

20 A. No.

21 Q. Did you see your partner, Security  
22 Officer Sebastian helping Officer Cozzi  
23 restrain the patient?

24 A. Yes. As I said at the beginning, as

1 the officer was trying to handcuff the patient,  
2 I was in the rear, right next to my co-worker.  
3 And I wasn't looking at when the officer was  
4 trying to restrain the patient.

5 Q. Okay. So are you saying you didn't  
6 see that?

7 A. I saw as he was placing the handcuffs  
8 to the patient, but I didn't notice my  
9 co-worker helping the officer.

10 Q. Did you see the patient struggling  
11 with Officer Cozzi as Officer Cozzi was  
12 attempting to cuff him?

13 A. Yes.

14 Q. After Officer Cozzi had the patient  
15 handcuffed, did that patient continue to scream  
16 and be verbally abusive to the officer?

17 A. Against everyone that was there in  
18 that room.

19 Q. Including the police officer?

20 A. Yes.

21 Q. He was threatening to kill people  
22 there?

23 A. Yes.

24 Q. I may have missed this answer on your

1 Direct Examination, but did you sign a criminal  
2 complaint for assault against this patient?

3 A. Possibly, but I don't remember.

4 Q. Do you remember speaking to Officer  
5 Cozzi with regards to a criminal charge of  
6 assault against this particular patient?

7 A. Possibly. I don't remember.

8 Q. Okay. And do you remember telling  
9 Officer Cozzi that this individual had  
10 threatened you?

11 A. No.

12 Q. After this incident, the patient was  
13 brought to the emergency room, correct?

14 A. Inside.

15 Q. I'm sorry?

16 A. We put him inside the emergency room,  
17 yes.

18 Q. After he's brought inside the  
19 emergency room, was he seen by a doctor?

20 A. When he was in that room, yes.

21 Q. Did you stay with the patient while he  
22 was treated?

23 A. No.

24 MR. FAHY: I have nothing further.

1 MS. ALIKHAN: Just a brief redirect.

2 REDIRECT EXAMINATION

3 BY MS. ALIKHAN:

4 Q. You spoke to an investigator from the  
5 Office of Professional Standards, right?

6 A. Possibly. A few people came to the  
7 hospital.

8 Q. Her name was Grace Wilson?

9 A. I'm sorry. I don't remember names.

10 Q. Okay. Did you speak anyone -- speak  
11 with anyone from the City of Chicago regarding  
12 this incident?

13 A. Yes.

14 Q. And did you give her -- did you tell  
15 her what happened, gave her the details in  
16 regards to this incident?

17 A. Yes.

18 MS. ALIKHAN: I have in my hand what  
19 I'm marking as Superintendent's Exhibit 2.  
20 Showing opposing counsel.

21 BY MS. ALIKHAN:

22 Q. Now, Ms. Estrada, is that the  
23 statement you gave to the investigator from the  
24 City of Chicago?

1 A. Yes.

2 Q. In that statement did you tell the  
3 investigator that you noticed the patient  
4 bleeding after he was struck by --

5 MR. FAHY: Objection. Foundation,  
6 hearsay.

7 HEARING OFFICER JOHNSON: Yeah.  
8 The -- well, I assume the question's going to  
9 be did she mention that -- this injury to the  
10 mouth, right?

11 MS. ALIKHAN: That is correct.

12 HEARING OFFICER JOHNSON: Okay. Her  
13 testimony -- well, actually, I mean, you  
14 brought it on cross it wasn't in her reports.  
15 This is rehabilitation of that. So I'm going  
16 to overrule the objection and let that question  
17 be asked only.

18 BY MS. ALIKHAN:

19 Q. In that report did you inform the  
20 investigator that you saw the patient bleeding  
21 from the mouth after he was struck by Officer  
22 Cozzi?

23 A. I said that. I don't know if I said  
24 it here though.

1 MS. ALIKHAN: You can take your time.

2 HEARING OFFICER JOHNSON: Well, you're  
3 asking about the injury to the mouth, right?

4 MS. ALIKHAN: Right.

5 THE WITNESS: Yes.

6 HEARING OFFICER JOHNSON: We do  
7 actually need some foundation on this though.  
8 Did she say that this is her statement?

9 MS. ALIKHAN: Yes, she did.

10 HEARING OFFICER JOHNSON: Okay. All  
11 right then. And you got a date out?

12 MS. ALIKHAN: Well, there's  
13 technically not a date. But I was doing it to  
14 rehabilitate -- on what date --

15 HEARING OFFICER JOHNSON: Okay. Well  
16 -- okay.

17 BY MS. ALIKHAN:

18 Q. On what date did you give this  
19 interview?

20 A. Excuse me. What was the question?

21 Q. On what date did you give this  
22 interview; do you remember?

23 A. No. I don't remember the date.

24 Q. Does that document refresh your memory

1 as to when you gave that statement?

2 A. Yes.

3 Q. What is the date?

4 A. August. Everything occurred during  
5 the month of August. The exact date, I don't  
6 remember.

7 HEARING OFFICER JOHNSON: Okay. She  
8 doesn't remember the date.

9 THE WITNESS: The 26th of August.  
10 BY MS. ALIKHAN:

11 Q. Is there a reason why you didn't write  
12 that in your other reports?

13 A. Because my job is to make reports.  
14 That is our responsibility. We just cannot  
15 write down very profound things.

16 Q. What do you mean by that?

17 A. I wouldn't be able to explain that,  
18 but my job is to -- my job is solely to make --  
19 to make my report, to put down what happened.  
20 But that by itself, I did not put it down, no.

21 MS. ALIKHAN: Okay. No further  
22 questions.

23

24



1 RE CROSS-EXAMINATION

2 BY MR. FAHY:

3 Q. Superintendent's Exhibit Number 2 was  
4 not prepared by you, was it?

5 A. This one?

6 Q. Yes.

7 A. They did it, but I was saying it.

8 Q. Did you sign that document?

9 A. The original, yes.

10 Q. Do you have the original before you?

11 A. No.

12 MR. FAHY: I have nothing further.

13 HEARING OFFICER JOHNSON: Okay. If  
14 you want to unhook your microphone. Thank you.

15 (Witness Excused.)

16 HEARING OFFICER JOHNSON: The City  
17 have additional witnesses?

18 MS. ALIKHAN: Yes.

19 HEARING OFFICER JOHNSON: Let me just  
20 ask who you're calling.

21 MS. ALIKHAN: One additional  
22 occurrence witness and then a foundational  
23 witness for the DVD.

24 HEARING OFFICER JOHNSON: Okay. We've

1 heard from five witnesses now of what's  
2 happened -- you can go -- five witnesses as to  
3 what's happened in the emergency room. I'm  
4 beginning to think it's -- and we have a tape  
5 as well. I'm beginning to think it's  
6 cumulative.

7 What is this witness, this  
8 occurrence witness going to say that has not  
9 already been said?

10 MS. ALIKHAN: Well, I mean, it doesn't  
11 go to that. The assertion is made by the  
12 Respondent that the conduct is not egregious  
13 enough to warrant termination. And by putting  
14 on the evidence that we have, we'd like to  
15 rebut that and actually show that it was  
16 egregious enough.

17 HEARING OFFICER JOHNSON: What's this  
18 witness going to say that has not already been  
19 said?

20 MS. ALIKHAN: He's going to give his  
21 account of what happened.

22 HEARING OFFICER JOHNSON: Who is it?  
23 Is it a security guard?

24 MS. ALIKHAN: Yes, it is.

1 HEARING OFFICER JOHNSON: It's a third  
2 security guard?

3 MS. ALIKHAN: Yes.

4 HEARING OFFICER JOHNSON: Okay. And  
5 he's witness to the event that took place in  
6 the triage area of the emergency room at  
7 Norwegian American Hospital?

8 MS. ALIKHAN: Yes. That is correct.

9 HEARING OFFICER JOHNSON: Okay. I  
10 just -- I haven't seen the tape yet or the DVD.  
11 It's -- given the -- but assuming that the  
12 tape -- the tape shows the incident as well,  
13 right?

14 MS. ALIKHAN: That is correct.

15 HEARING OFFICER JOHNSON: Okay.  
16 Assuming there's a tape, assuming -- that shows  
17 that, as you represent. Given the officer's  
18 admission, given the fact that we've heard four  
19 occurrence witnesses on this, I really am not  
20 sure what this is adding. And so I would allow  
21 you to make an offer of proof of what this  
22 witness would say, but I think we've really --  
23 it's really cumulative at this point.

24 Let me add to this. Is there

1 going to be witnesses called by the Respondent  
2 that will -- who are occurrence witnesses in --  
3 as to what happened in the triage room of the  
4 Norwegian American Hospital?

5 MR. FAHY: The only occurrence witness  
6 is my client.

7 HEARING OFFICER JOHNSON: Okay. So  
8 they're not -- they're not really disputing  
9 this in any significant way that I can see. Or  
10 to the extent that they are, you've overwhelmed  
11 them with four witnesses.

12 MS. ALIKHAN: Okay.

13 HEARING OFFICER JOHNSON: Which I'm  
14 not -- it's not being critical of you. I'm  
15 just -- it's enough. It's enough. So if you  
16 want to make an offer of proof that if called  
17 this witness would say X, Y, and Z, I'd permit  
18 that.

19 MS. ALIKHAN: Well, I mean to be fair,  
20 I think there's slight variations in the  
21 admissions that the Respondent has made. So I  
22 think these occurrence witnesses are showing  
23 that.

24 HEARING OFFICER JOHNSON: What would

1 that be? I mean, the issue in the case is he  
2 was charged with using the blackjack or the --  
3 you know, there's an issue about what it is he  
4 exactly used, all right? But he was using an  
5 unauthorized weapon to bludgeon Randall Miles  
6 after he was already restrained. That's the  
7 issue in the case.

8 I mean, I don't understand that  
9 the officer's going to take the position that  
10 he had authority to use that weapon or that  
11 there was enough activity by Miles to justify  
12 that use of that force. I mean, that seems to  
13 be the main issue in the case.

14 I'm just -- I don't want to cut  
15 you short, but we're really -- it's really  
16 redundant. You're doing a good job. You're  
17 doing a very thorough job.

18 MS. ALIKHAN: I mean, I haven't had  
19 the opportunity to completely cross this -- or  
20 you know, perform my adverse examination on  
21 him, so I'm not exactly sure what he's going to  
22 say. So to not be able to put on witnesses at  
23 this point and close my case in chief --

24 HEARING OFFICER JOHNSON: Well, I'll

1 tell you what, do you have the DVD --

2 MS. ALIKHAN: Yes.

3 HEARING OFFICER JOHNSON: -- ready to  
4 go? Why don't we at this point recall Officer  
5 Cozzi.

6 MR. FAHY: Could I just have a couple  
7 minutes to use the men's room?

8 HEARING OFFICER JOHNSON: Okay. Yeah.  
9 Let's take a -- I'll tell you what. Let's take  
10 a short recess. My plan would be to have you  
11 recall Officer Cozzi, ask him whatever you want  
12 vis-a-vis the DVD. That's where we stopped  
13 last time.

14 MS. ALIKHAN: Okay.

15 HEARING OFFICER JOHNSON: And then  
16 let's really see if you need additional  
17 occurrence witnesses, okay?

18 MS. ALIKHAN: Sure.

19 HEARING OFFICER JOHNSON: All right.  
20 So let's take a couple minute recess.

21 (Break Taken)

22 HEARING OFFICER JOHNSON: So we're  
23 back on the record after an off-the-record  
24 discussion about witnesses. And at this point

1 we're going to have the City resume its adverse  
2 examination of Officer Cozzi that was  
3 interrupted by our technical problems earlier.  
4 So if Officer Cozzi could come back up here and

REDACTED

REDACTED

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1 Okay. So you can step down after you unhook  
2 yourself. All right, Officer?

3 (Witness Excused.)

4 HEARING OFFICER JOHNSON: Okay. Now  
5 City has an additional witness in terms of an  
6 additional security guard based on our  
7 off-the-record discussion, right?

8 MS. ALIKHAN: That is correct.

9 HEARING OFFICER JOHNSON: Okay. So I  
10 do not want to have cumulative testimony. I  
11 don't want a security guard to come in here and  
12 describe everything that happened from  
13 beginning to end because we've already heard it  
14 four times and we have a -- we have a tape.

15 But I will let you call him on the  
16 specific issues of whether there was an -- he  
17 or she has any knowledge about an attempted  
18 punch aimed at Estrada or Sebastian. Or -- and  
19 I will allow you to call that person to talk  
20 about whether there was an attempted punch at  
21 the officer.

22 MS. ALIKHAN: All right.

23 HEARING OFFICER JOHNSON: But I don't  
24 want to hear over, you know, that the guy was

1 combative and he was verbally abusive. We all  
2 know that that's the case, okay? So if you  
3 want to call him for those two purposes, and  
4 then if you want to make an offer of proof for  
5 anything else, that would be fine.

6 (Brief Pause)

7 (The witness was duly sworn.)

8 RALPH SNOW,  
9 called as a witness herein, having been first  
10 duly sworn, was examined and testified as  
11 follows:

12 DIRECT EXAMINATION

13 BY MS. ALIKHAN:

14 Q. Please state and spell your name for  
15 the record.

16 A. My name is Ralph Snow, R-A-L-P-H,  
17 S-N-O-W.

18 Q. Are you employed?

19 A. Yes, ma'am, I am.

20 Q. Where are you employed?

21 A. Norwegian American Hospital.

22 Q. What's your position there?

23 A. Security officer.

24 Q. And how long have you been a security

1 officer?

2 A. Over five years.

3 Q. And were you working on August 2nd,  
4 2005?

5 A. Yes.

6 Q. Okay. And did you witness an incident  
7 concerning a patient and Officer Cozzi?

8 A. Yes, I did.

9 Q. And where were you when that incident  
10 was occurring?

11 A. I was in the monitor room watching  
12 monitors, TV screens.

13 Q. You were in the monitor room?

14 A. Yes.

15 Q. And how far is the monitor room to --  
16 in relation to the incident?

17 A. Maybe about 15 feet.

18 Q. 15 feet? Would you say you had a  
19 clear view or was something obstructing your  
20 view?

21 A. No. I was seeing clearly.

22 Q. So when you saw -- you stated you saw  
23 an incident. And during that time that you  
24 were observing the incident, did you ever see

1 the patient get up and lunge at Officer Cozzi?

2 A. No, I didn't.

3 Q. Did you ever see the patient at that  
4 time that you observed -- did you see the  
5 patient attempt to strike or lunge at Officer  
6 Evelyn Estrada?

7 A. No, I didn't.

8 HEARING OFFICER JOHNSON: Okay. And  
9 one other thing I would allow too is since  
10 there is an issue about how many blows, I don't  
11 know that it's really that important, to be  
12 honest, but how many blows were struck with the  
13 blackjack. If you want to inquire about that,  
14 that would be okay.

15 BY MS. ALIKHAN:

16 Q. During the time that you observed, did  
17 you see the patient attempt to strike or lunge  
18 at Security Officer Sebastian?

19 A. No, I didn't.

20 Q. Would you say that you saw the  
21 incident from beginning to end?

22 A. No, I didn't.

23 Q. At what point did you -- did you begin  
24 observing the incident?

1           A. From the trash area, from the ER ramp  
2 I heard the commotion of this patient being  
3 loud and swearing and being unruly.

4           Q. Okay. Was the police officer already  
5 on-site at that point?

6           A. Not at that second, no.

7           Q. At what -- and you said -- did you see  
8 the incident until the end?

9           A. I seen most of it, because I don't  
10 know what happened after the officer and  
11 security went inside the ER.

12          Q. Okay. So you saw up until they --

13          A. They went into the emergency room  
14 door, as far as I saw.

15          Q. Did you see the officer strike the  
16 patient with an object?

17          A. Yes, I did.

18          Q. And were you able to determine what  
19 the object was?

20          A. Yes, I did.

21          Q. And as you know, what is it?

22          A. It was a blackjack.

23          Q. Were you able to determine how many  
24 times the officer struck the patient with the

1 blackjack?

2 A. About 10 or 11 times.

3 Q. Do you know where the officer struck  
4 the patient?

5 A. Struck the patient here, shoulders,  
6 and face.

7 Q. So in the stomach, the shoulders, and  
8 the face?

9 A. Yes.

10 MS. ALIKHAN: I have no further  
11 questions at this time.

12 HEARING OFFICER JOHNSON: Okay.  
13 Cross-Examination.

14 CROSS-EXAMINATION

15 BY MR. FAHY:

16 Q. You weren't the first security officer  
17 on the scene, were you?

18 A. No, sir, I wasn't.

19 Q. Officer Estrada and --

20 A. Sebastian.

21 Q. -- Sebastian were the first  
22 officers -- security officers dealing with the  
23 patient, correct?

24 A. Yes, sir.

1 Q. And I'm not sure -- and did you say  
2 Officer Cozzi was there when you came out of  
3 the monitor room?

4 A. Not at that time. I went -- I stepped  
5 out just to see the commotion because I needed  
6 to keep an eye on the cameras. That's what I  
7 was supposed to be doing. And then he kept on  
8 doing -- being uncooperative and being loud, so  
9 I just stood there, and then that's when I seen  
10 a police officer and...

11 Q. Okay. Is that the first time you saw  
12 a police officer there?

13 A. At that time, yes, sir.

14 Q. Do you know if that police officer was  
15 there earlier before you came out of the  
16 monitor room?

17 A. Not as I'm aware of.

18 Q. And the commotion that you're  
19 describing, that's what brought you out of the  
20 monitor room?

21 A. Of the patient being loud, yes, sir.

22 Q. Okay. He was also combative?

23 A. Well, he wasn't cooperating with the  
24 ER staff, the triage nurse or the doctor or

1 anybody. He was just...

2 Q. Was he threatening the staff?

3 A. Well, they were saying, but I -- I  
4 couldn't make out word for word what he was  
5 saying.

6 Q. Okay.

7 A. He was talking about his rights and  
8 things like that, but...

9 Q. But was he threatening the staff is my  
10 question?

11 MS. ALIKHAN: Objection to relevance.

12 HEARING OFFICER JOHNSON: No,  
13 overruled.

14 BY MR. FAHY:

15 Q. Was he threatening the staff?

16 A. I couldn't hear the threats. I  
17 couldn't make out exactly.

18 Q. Did you prepare a report with regards  
19 to this incident on August 8th of 2005?

20 A. Yes, sir. I did.

21 Q. And did you write that report  
22 yourself?

23 A. Yes, sir, I did.

24 Q. And did you summarize --



1 MS. ALIKHAN: Objection. Beyond the  
2 scope of my Direct Examination. I was only  
3 allowed to hit certain topics, so...

4 HEARING OFFICER JOHNSON: Right.  
5 Okay. I'll let you redirect on this point of  
6 the threat.

7 BY MR. FAHY:

8 Q. Did you sign that report after you  
9 prepared it?

10 A. I believe so.

11 Q. In that report did you state that the  
12 patient was threatening the staff?

13 A. Yes, sir, I did.

14 Q. Why don't we do it this way.

15 MS. ALIKHAN: Objection to what  
16 report. What's the date?

17 MR. FAHY: I gave the date of August  
18 8th.

19 THE WITNESS: August 8th, '05.

20 MR. FAHY: Well, just do it this way.  
21 I believe this is Respondent's Exhibit --

22 HEARING OFFICER JOHNSON: I think he  
23 said did, right? Wasn't that your answer that  
24 yes, you did write that, that they did threaten

1 him?

2 MR. FAHY: Yeah, but he appears to be  
3 looking at a report --

4 MS. ALIKHAN: Right.

5 MR. FAHY: -- and I think we should  
6 mark it as an exhibit.

7 HEARING OFFICER JOHNSON: Okay. Fine.

8 MR. FAHY: And I think I'm on Number  
9 5, so Respondent's Exhibit 5.

10 BY MR. FAHY:

11 Q. Do you have that report with you?

12 A. Yes, I do.

13 Q. Okay.

14 HEARING OFFICER JOHNSON: Actually,  
15 let's call this Respondent's 3, right?

16 MR. FAHY: I think I'm on Number 5.

17 HEARING OFFICER JOHNSON: Okay.

18 BY MR. FAHY:

19 Q. And just for the record, you were  
20 looking at your report which has now been  
21 marked as Respondent's Exhibit Number 5 when  
22 you answered yes to the question, correct?

23 A. Okay.

24 Q. Well, just so I'm clear, does your

1 report -- in your report did you indicate that  
2 he was threatening to the staff?

3 A. Yes, it is.

4 MR. FAHY: I have no further  
5 questions.

6 HEARING OFFICER JOHNSON: You want to  
7 redirect on the threat?

8 MS. ALIKHAN: No.

9 HEARING OFFICER JOHNSON: No? Okay.  
10 All right. Thanks for coming. If you can  
11 unhook your mike. Thank you.

12 (Witness Excused.)

13 HEARING OFFICER JOHNSON: Now, the  
14 City has an additional witness?

15 MS. ALIKHAN: No. The City does not.

16 HEARING OFFICER JOHNSON: Okay. But  
17 as I understand it, the City had a witness to  
18 lay a foundation for the DVD, correct?

19 MS. ALIKHAN: Correct.

20 HEARING OFFICER JOHNSON: But with  
21 respect to the DVD, just -- I can't remember if  
22 we did this on the record, you have no  
23 objection to its authenticity and to its  
24 foundation?

1 MR. FAHY: No, I do not.

2 HEARING OFFICER JOHNSON: All right.

3 And you might want to make an offer into  
4 evidence of the DVD.

5 MS. ALIKHAN: To what it depicts?  
6 What do you mean?

7 HEARING OFFICER JOHNSON: Put the DVD  
8 into evidence.

9 MS. ALIKHAN: Oh, yeah. I do want to  
10 move for its admission.

11 HEARING OFFICER JOHNSON: Okay. Do  
12 you have any objection to its admissibility as  
13 opposed to its foundation?

14 MR. FAHY: No. I don't have any  
15 objection.

16 HEARING OFFICER JOHNSON: Okay. Okay.  
17 So that's received.

18 (Superintendent's Exhibit No.  
19 1 received.)

20 HEARING OFFICER JOHNSON: Okay. Now  
21 the City has -- and as long as we're on it, the  
22 City's 1 is in evidence. I did admit 3, 4, and  
23 5 over the objection of Respondent. City's 2 I  
24 don't believe you ever offered.

1 MS. ALIKHAN: We're not going to.

2 HEARING OFFICER JOHNSON: And you're  
3 not going to. Okay. Good. And that's all you  
4 have is City's 1 through 5, right?

5 MS. ALIKHAN: Correct.

6 HEARING OFFICER JOHNSON: Okay. Now,  
7 the City has one additional witness that you  
8 were talking about for next time which is a use  
9 of force expert; is that right?

10 MS. ALIKHAN: Correct.

11 HEARING OFFICER JOHNSON: You want to  
12 identify that person?

13 MS. ALIKHAN: Larry Snelling.

14 HEARING OFFICER JOHNSON: Larry  
15 Snelling? Okay.

16 MS. ALIKHAN: Yes.

17 HEARING OFFICER JOHNSON: Do you see a  
18 need at this point to call that witness?

19 MS. ALIKHAN: I will not be handling  
20 this case on August 17th, so I cannot speak for  
21 the attorney that's going to be assigned to it.

22 HEARING OFFICER JOHNSON: Okay. I  
23 don't see a need for that witness. Assuming  
24 that that witness is going to testify to the

1 use-of-force model that is taught at the  
2 Chicago Police Academy and is going to testify  
3 that an active resister cannot be subdued with  
4 a closed fist or an impact weapon like a  
5 blackjack or a slap -- flat slap -- flat sap,  
6 whatever, because it's not an issue in the  
7 case.

8 But if the City wants to make an  
9 offer of proof as so what that witness would  
10 say, that would be acceptable. And if there is  
11 some other issue that I'm not contemplating  
12 that that witness is going to address, then the  
13 City needs to let us know. But actually, I  
14 mean, it's only fair for me to ask you that at  
15 this point. Is there something else that they  
16 were going to testify to?

17 MS. ALIKHAN: No. I mean, they would  
18 testify to what they determined -- what type of  
19 subject they determined the arrestee to be and  
20 what the appropriate use of force was  
21 dependent -- I mean, we understand that the  
22 blackjack is not appropriate. But they would  
23 also call into question the assessment of the  
24 police officer. I mean, his determination as

1 to what type of offender.

2 HEARING OFFICER JOHNSON: So they were  
3 going to say that Mr. Miles was not an active  
4 resister?

5 MS. ALIKHAN: That is correct.

6 HEARING OFFICER JOHNSON: They're  
7 going to say that he was a passive resister?

8 MS. ALIKHAN: They would -- they would  
9 testify to something below the active.

10 HEARING OFFICER JOHNSON: Okay. Well,  
11 there's only one other box which is passive  
12 resister.

13 MS. ALIKHAN: Right. Or whatever they  
14 determined, if he was a cooperative subject or  
15 a passive resister under the active resister.

16 HEARING OFFICER JOHNSON: They're  
17 going to say that he was not an active  
18 resister. He was a passive resister. That's  
19 what you're saying?

20 MS. ALIKHAN: Right. Or I mean,  
21 whatever they determine it to be under the  
22 active resister, which to my knowledge is  
23 passive, but I can't speak to that's exactly  
24 what he's going to testify to, but it's going

1 to be under the active resister --

2 HEARING OFFICER JOHNSON: When you say  
3 under, you mean less?

4 MS. ALIKHAN: Right. Less than active  
5 resister.

6 HEARING OFFICER JOHNSON: So he's  
7 going to be active resister or less?

8 MS. ALIKHAN: Correct.

9 HEARING OFFICER JOHNSON: Okay. But  
10 in either of those cases, whether he's an  
11 active resister or a passive resister there's  
12 no ability to use a closed fist or an impact  
13 weapon, right?

14 MS. ALIKHAN: Or the open-hand strike,  
15 I believe.

16 HEARING OFFICER JOHNSON: But your  
17 theory of the case is he didn't use an  
18 open-hand strike. He used a --

19 MS. ALIKHAN: Right. It bears on the  
20 statement that he gave to OPS when he did  
21 make -- when he stated -- and in his reports  
22 that he did --

23 HEARING OFFICER JOHNSON: Okay. But  
24 the testimony is -- and any expert witness can



1 only go off of whatever the actual testimony  
2 is. The testimony, as I understand it from  
3 Officer Cozzi, is he never used an open hand.  
4 He has said that that statement to OPS was not  
5 correct, and that he also testified that he in  
6 fact used the flat sap.

7 MS. ALIKHAN: I guess I'm mistaken. I  
8 thought he testified that he did use the  
9 open-hand strike prior to the handcuffing.

10 HEARING OFFICER JOHNSON: That's not  
11 what I heard. So -- so I don't -- I don't see  
12 a need for this witness, so I'm going to make  
13 that ruling. But if the City wants to make an  
14 offer of proof next time as to what that  
15 witness would testify to if called, that would  
16 be fine. Okay?

17 MR. FAHY: Based on your ruling, is he  
18 not going to testify?

19 HEARING OFFICER JOHNSON. I would not  
20 permit him to testify unless there's -- unless  
21 you can make some argument that we haven't  
22 heard yet.

23 MR. FAHY: Should that change, I would  
24 just like to have any kind of reports or notes

1 or anything that this person is relying on  
2 because I haven't received anything. If he  
3 should --

4 MS. ALIKHAN: There are no notes.

5 MR. FAHY: Should something change, I  
6 would like to be able to be prepared.

7 HEARING OFFICER JOHNSON: Okay. I  
8 understand that. So we'll then recess till  
9 August 17th at which point we'll continue the  
10 hearing. Okay?

11 MR. FAHY: Is the City -- is the City  
12 resting at this point?

13 MS. ALIKHAN: No. The City is not.

14 MR. FAHY: Just for scheduling  
15 purposes, if we can get an idea how many  
16 witnesses the City has left, just so I know.

17 MS. ALIKHAN: We just -- I just have  
18 that one, but like I said, it will be  
19 reassigned. So I mean, if somebody reads the  
20 transcript and they want to add to it, I'm not  
21 going to rest and foreclose that opportunity to  
22 do so.

23 HEARING OFFICER JOHNSON: Okay. Well,  
24 is it going to be reassigned --

1 MR. FAHY: Do you know who it's going  
2 to be --

3 MS. ALIKHAN: No, I don't.

4 HEARING OFFICER JOHNSON: Okay. I  
5 think it's a fair question for purposes of  
6 scheduling. So here's what I would say. Is if  
7 the City is going to call additional witnesses,  
8 they need to apprise Mr. Fahey of that at least  
9 a week before August 17th, okay?

10 MS. ALIKHAN: Okay.

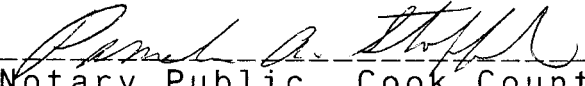
11 HEARING OFFICER JOHNSON: All right.  
12 Okay. So we'll stand in recess.

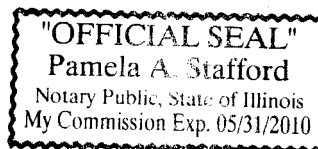
13 MR. FAHY: Thank you.

14 (Which were all the  
15 proceedings had in the  
16 above-entitled cause this  
17 date and time.)  
18  
19  
20  
21  
22  
23  
24

1 STATE OF ILLINOIS )  
2 COUNTY OF COOK ) SS.  
3 )

4 PAMELA A. STAFFORD, being first  
5 duly sworn on oath says that she is a court  
6 reporter doing business in the City of Chicago  
7 and that she reported in shorthand the  
8 proceedings of said hearing and that the  
9 foregoing is a true and correct transcript of  
10 her shorthand notes so taken as aforesaid and  
11 contains the proceedings given at said hearing.  
12

13  
14   
15 Notary Public, Cook County  
16 Illinois,  
17 My Commission expires 5/31/2010



Office of Professional Standards

08 August 2005  
CR 307992

To: Chief Administrator  
Office of Professional Standards

From: Inv. Kristi M. Lyons #232

Subject: Office of Emergency Management and Communications (OEMC)  
Tape Transcription

**Playback will begin on August 2, 2005 at 12:59:35 hours**

OEMC Chicago Emergency, Miller.

Unknown  
Caller Miller, could you holler on the Fireside?

OEMC Yes.

Unknown  
Caller Send a Beat car to 5309 West North. There's a stabbing.

OEMC Alrighty.

Unknown  
Caller Okay.

OEMC Alright you all already on the scene?

Unknown  
Caller Yes.

OEMC Okay.

Unknown  
Caller Alright.

**Playback will begin on August 2, 2005 at 13:07:12 hours**

OEMC Chicago Emergency, Lanem.

DeLuca Lanem, DeLuca over on the Fire side.

OEMC Hi.

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DeLuca Hey Ambulance 48 is at a stabbing at 5309 West North Avenue.

OEMC Uh huh.

DeLuca And you guys got, I think that they said that three (3) cars were dispatched. One showed up and left and they need him back there.

OEMC Okay.

DeLuca They need a beat car or a supervisor to go over there. They need somebody over there.

OEMC Okay.

DeLuca Okay, thanks.

OEMC Alright.

**Playback will begin on August 2, 2005 at 12:40:30 hours**

OEMC Chicago Emergency Services

Female Caller Yes, this man just got stabbed on North Avenue and Lockwood. He is standing in the doorway. Um, (inaudible) bleeding uh real bad.

OEMC He's bleeding? What happened? Do you know what happened?

Female Caller I don't know. All I know is somebody said that someone stabbed the man. I don't know.

OEMC Oh, he is stabbed?

Female Caller Yes he is stabbed.

OEMC Stay on the line. Hold on ma'am.

OEMC Fire Department, Canning.

Female Caller There is a guy, yeah ma'am, um there is a guy been stabbed over here on Lockwood and North Avenue.

OEMC North and Lockwood, right on the corner?

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Female

Caller

Right on the corner.

OEMC

He's been stabbed?

Female

Caller

Yes, he's been stabbed. He's like in the building standing in the hallway like.

OEMC

All right, which building?

Female

Caller

(talking to an unknown person in background, What's this? Okay, what's this, okay.) It's on the, um North Avenue. (talking to an unknown person in background, What side is this? Westside of the street.) It is on the Westside of the street.

OEMC

West Side of Lockwood?

Female

Caller

Westside, Southside, Westside of um, um North Avenue.

OEMC

On the Southside of North Avenue?

Female

Caller

Yes.

OEMC

And west of Lockwood?

Female

Caller

Right.

OEMC

The 5309 building?

Female

Caller

That's true. I think that is what it is, too.

OEMC

5309 West North Avenue?

Female

Caller

Yes.

OEMC

In the lobby, he's in there?

Female

Caller

He's standing in the doorway (inaudible) lobby.

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Pt. 53

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OEMC How old is he? Do you know?

Female

Caller I do not know how old is this man is. He's got to be up there in age.

OEMC Eighties (80's)?

Female

Caller No, he's not that old. I would say maybe in his sixties (60's)

OEMC In his sixties (60's)?

Female

Caller Fifty-nine (59) to sixty (60) somewhere up in there.

OEMC He's awake and breathing, right?

Female

Caller Yeah, he is. I'm not at his at him right now because somebody let me know that this man was stabbed, so I'm just calling. I see a police cars over there but (inaudible)

OEMC Do you know where he is stabbed at ma'am?

Female

Caller In the shoulder, I think?

OEMC In the shoulder?

Female

Caller Yes.

OEMC Okay. What is your phone number?

Female

Caller Oh, I'm on somebody's cell number.

OEMC Okay, do you even want to give it out?

Female

Caller I don't even know their cell number, somebody just let me use their phone.

OEMC Oh, okay. Alrighty, we'll be right there. You're not with this guy right now, are you?

Female

Caller No, I'm not. I can go down there and wait though.

Cozzi

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att. 53



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OEMC You're going to back down there, you said?

Female  
Caller I'll go back around there.

OEMC Okay, were on the way over there right now. Watch for us, okay?

Female  
Caller Okay.

OEMC We'll see you there.

Female  
Caller Okay, pardon me.

OEMC We're on the way over there right now, ma'am.

Female  
Caller Okay.

OEMC Okay.

**Playback will begin on August 2, 2005 at 13:05:06 hours**

OEMC 2534

2534 2534

OEMC I need you to ride with fire on a person stabbed. 5309 West North Avenue. 016<sup>th</sup> District had a 5309 Lockwood and they said that they had a bad address on their end.

2534 Inaudible

OEMC Okay, Fire.

2510 I'm going to back him up over there, squad.

2532 2532

OEMC 2532

2532 I'm clear from lunch, I'll head that way, squad.

OEMC 33, you were trying to come in.

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2533 I drove right by there, that was like ten (10), when you gave me my job on Monticello. The ambulance is probably long gone by now. They were putting someone in the ambulance though. So there was probably a removal from that location.

OEMC We're going to call them and double check, thank you though. Standby for your information.

**Playback will begin on August 2, 2005 at 13:10:10 hours**

2534 2534

OEMC 2534

2534 Give a slowdown. We don't see anybody. Is it supposed to be inside?

OEMC Hang on, let me look 2534 it doesn't say because we also got a second ticket that said ambulance was on the scene. It doesn't say inside or outside.

2534 Did the ambulance make a removal?

OEMC To Norwegian, but like I said that's got a ticket that I just duped out that said that they were still on the scene.

**Playback will begin on August 2, 2005 at 13:40:20 hours**

2534 2534

OEMC 2534

2534 (Inaudible) highly intoxicated or is combative with nurses but he's got a minor cut. It's not life threatening.

OEMC All right.

**Playback will begin on August 2, 2005 at 13:45:10 hours**

2534 2534

OEMC 2534

2534 Just notify my sergeant. This victim here uh he is highly intoxicated and he tried to take a swing at both me and the security guards. So we I think we'll place him into custody, so after he gets looked at by the doctor, he's going to be going back to jail, back to 025.

Cozzi

000443

CR 307992  
04.53

## \*\* INFORMATION INDICTMENT RETURN SHEET \*\*

CASE NO.	IR	DEFENDANT	NO.	ARRAIGNMENT DATE
06CR-764		WILLIAM COZZI	1	AZR 01/19/2006
GJ- 366	FBI- ISB- CB-PRINTATARR RD/AR: CR307992	Sex: M Race: W DOB: 04/30/1957 Add: 7218 W Seminole Chicago, IL 60631 Arrest Agy: Cook County Sao Inv Arrest Date: 08/02/2005		
	DIRECT INDICTMENT		12/28/2005	
	ASA: Matthew Thrun	Unit: Special Pros		
	Chg: 1 Agg Battery/Weapon/No Firearm	720-5\12-4(B) (1)	0000935100	Class: 3
	Chg: 2 Agg Battery/Weapon/No Firearm	720-5\12-4(B) (1)	0000935100	Class: 3
	Chg: 3 Agg Battery/Public Place	720-5\12-4(B) (8)	0000935800	Class: 3
	Chg: 4 Offl Misconduct/Forbidden Act	720-5\33-3(B)	0001430100	Class: 3
	Chg: 5 Offl Misconduct/Forbidden Act	720-5\33-3(B)	0001430100	Class: 3
	Chg: 6 Offl Misconduct/Forbidden Act	720-5\33-3(B)	0001430100	Class: 3
	Chg: 7 Offl Misconduct/Forbidden Act	720-5\33-3(B)	0001430100	Class: 3
	Chg: 8 Offl Misconduct/Forbidden Act	720-5\33-3(B)	0001430100	Class: 3
	Chg: 9 Offl Misconduct/Forbidden Act	720-5\33-3(B)	0001430100	Class: 3
	Chg: 10 Offl Misconduct/Forbidden Act	720-5\33-3(B)	0001430100	Class: 3
	Chg: 11 Offl Misconduct/Forbidden Act	720-5\33-3(B)	0001430100	Class: 3
	Chg: 12 Offl Misconduct/Forbidden Act	720-5\33-3(B)	0001430100	Class: 3
	Chg: 13 Offl Misconduct/Forbidden Act	720-5\33-3(B)	0001430100	Class: 3
	Chg: 14 Offl Misconduct/Forbidden Act	720-5\33-3(B)	0001430100	Class: 3
	Chg: 15 Offl Misconduct/Forbidden Act	720-5\33-3(B)	0001430100	Class: 3
	Chg: 16 Battery	720-5\12-3	0000930000	Class: A
	Chg: 17 Battery	720-5\12-3	0000930000	Class: A

C.R. 307992  
 ATTACHMENT # 60A  
 000267

\*\*\*\*\*  
STATE OF ILLINOIS )  
                  ) SS.  
COUNTY OF COOK )

The DECEMBER, 2005 Grand Jury of the  
Circuit Court of Cook County.

The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **AGGRAVATED BATTERY**

in that HE, INTENTIONALLY OR KNOWINGLY, WITHOUT LEGAL JUSTIFICATION, CAUSED BODILY HARM TO RANDLE MILES WHILE USING A DEADLY WEAPON OTHER THAN BY THE DISCHARGE OF A FIREARM, TO WIT: HE STRUCK RANDLE MILES ABOUT HIS HEAD AND/OR BODY WITH A BLACK-JACK TYPE WEAPON, CAUSING SWELLING TO RANDLE MILES' LIP AND/OR PAIN TO RANDLE MILES' BODY, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 12-4(b)(1) OF THE ILLINOIS COMPILED STATUTES 1992, AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 935100  
CASE NO. 06CR-764

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

Cozzi

C. R. 307992  
ATTACHMENT # 60A  
000268

The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **AGGRAVATED BATTERY**

in that HE, INTENTIONALLY OR KNOWINGLY, WITHOUT LEGAL JUSTIFICATION, CAUSED BODILY HARM TO RANDLE MILES, TO WIT: HE STRUCK RANDLE MILES ABOUT THE HEAD AND/OR BODY, CAUSING SWELLING TO RANDLE MILES' LIP AND/OR PAIN TO RANDLE MILES' BODY, WHILE THEY WERE ON OR ABOUT A PUBLIC PLACE OF ACCOMMODATION, TO WIT: A LOBBY OF NORWEGIAN AMERICAN HOSPITAL, 1044 N. FRANCISCO, CHICAGO, COOK COUNTY, ILLINOIS, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 12-4(b)(8) OF THE ILLINOIS COMPILED STATUTES 1992, AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 935800  
CASE NO. 06CR-764

The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **OFFICIAL MISCONDUCT**

in that HE, BEING A PUBLIC EMPLOYEE IN HIS OFFICIAL CAPACITY, TO WIT: A CITY OF CHICAGO POLICE OFFICER, KNOWINGLY PERFORMED AN ACT WHICH HE KNEW HE WAS FORBIDDEN BY LAW TO PERFORM, TO WIT: HE COMMITTED THE OFFENSE OF AGGRAVATED BATTERY IN THAT HE, INTENTIONALLY OR KNOWINGLY, WITHOUT LEGAL JUSTIFICATION, CAUSED BODILY HARM TO RANDLE MILES WHILE USING A DEADLY WEAPON OTHER THAN BY THE DISCHARGE OF A FIREARM, TO WIT: HE STRUCK RANDLE MILES ABOUT HIS HEAD AND/OR BODY WITH A BLACK-JACK TYPE WEAPON, CAUSING SWELLING TO RANDLE MILES' LIP AND/OR PAIN TO RANDLE MILES'

BODY, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 12-4(b)(1) OF THE ILLINOIS COMPILED STATUTES, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 33-3(b) OF THE ILLINOIS COMPILED STATUTES 1994 AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 1430100  
CASE NO. 06CR-764

The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **OFFICIAL MISCONDUCT**

in that HE, BEING A PUBLIC EMPLOYEE IN HIS OFFICIAL CAPACITY, TO WIT: A CITY OF CHICAGO POLICE OFFICER, KNOWINGLY PERFORMED AN ACT WHICH HE KNEW HE WAS FORBIDDEN BY LAW TO PERFORM, TO WIT: HE COMMITTED THE OFFENSE OF AGGRAVATED BATTERY IN THAT HE, INTENTIONALLY OR KNOWINGLY, WITHOUT LEGAL JUSTIFICATION, CAUSED BODILY HARM TO RANDLE MILES WHILE USING A DEADLY WEAPON OTHER THAN BY THE DISCHARGE OF A FIREARM, TO WIT: HE STRUCK RANDLE MILES ABOUT HIS HEAD AND/OR BODY WITH A BLUDGEON, CAUSING SWELLING TO RANDLE MILES' LIP AND/OR PAIN TO RANDLE MILES' BODY, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 12-4(b)(1) OF THE ILLINOIS COMPILED STATUTES, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 33-3(b) OF THE ILLINOIS COMPILED STATUTES 1994 AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 1430100  
CASE NO. 06CR-764

The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **OFFICIAL MISCONDUCT**

in that HE, BEING A PUBLIC EMPLOYEE IN HIS OFFICIAL CAPACITY, TO WIT: A CITY OF CHICAGO POLICE OFFICER, KNOWINGLY PERFORMED AN ACT WHICH HE KNEW HE WAS FORBIDDEN BY LAW TO PERFORM, TO WIT: HE COMMITTED THE OFFENSE OF AGGRAVATED BATTERY IN THAT HE, INTENTIONALLY OR KNOWINGLY, WITHOUT LEGAL JUSTIFICATION, CAUSED BODILY HARM TO RANDLE MILES, TO WIT: HE STRUCK RANDLE MILES ABOUT HIS HEAD AND/OR BODY, CAUSING SWELLING TO RANDLE MILES' LIP AND/OR PAIN TO RANDLE MILES' BODY, WHILE THEY WERE ON OR ABOUT A PUBLIC PLACE OF ACCOMMODATION, TO WIT: A LOBBY OF NORWEGIAN AMERICAN HOSPITAL, 1044 N. FRANCISCO, CHICAGO, COOK COUNTY, ILLINOIS, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 12-4(b)(8) OF THE ILLINOIS COMPILED STATUTES, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 33-3(b) OF THE ILLINOIS COMPILED STATUTES 1994 AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 1430100  
CASE NO. 06CR-764



The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **OFFICIAL MISCONDUCT**

in that HE, BEING A PUBLIC EMPLOYEE IN HIS OFFICIAL CAPACITY, TO WIT: A CITY OF CHICAGO POLICE OFFICER, KNOWINGLY PERFORMED AN ACT WHICH HE KNEW HE WAS FORBIDDEN BY LAW TO PERFORM, TO WIT: HE COMMITTED THE OFFENSE OF BATTERY, IN THAT HE, INTENTIONALLY OR KNOWINGLY WITHOUT LEGAL JUSTIFICATION, CAUSED BODILY HARM TO RANDLE MILES, TO WIT: HE STRUCK RANDLE MILES ABOUT HIS HEAD AND/OR BODY, CAUSING SWELLING TO RANDLE MILES' LIP AND/OR PAIN TO RANDLE MILES' BODY, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 12-3(a)(1) OF THE ILLINOIS COMPILED STATUTES, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 33-3(b) OF THE ILLINOIS COMPILED STATUTES 1994 AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 1430100  
CASE NO. 06CR-764

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **OFFICIAL MISCONDUCT**

in that HE, BEING A PUBLIC EMPLOYEE IN HIS OFFICIAL CAPACITY, TO WIT: A CITY OF CHICAGO POLICE OFFICER, KNOWINGLY PERFORMED AN ACT WHICH HE KNEW HE WAS FORBIDDEN BY LAW TO PERFORM, TO WIT: HE COMMITTED THE OFFENSE OF BATTERY, IN THAT HE, INTENTIONALLY OR KNOWINGLY WITHOUT LEGAL JUSTIFICATION, MADE PHYSICAL CONTACT OF AN INSULTING OR PROVOKING NATURE WITH RANDLE MILES, TO WIT: HE STRUCK RANDLE MILES ABOUT HIS HEAD AND/OR BODY, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 12-3(a)(2) OF THE ILLINOIS COMPILED STATUTES, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 33-3(b) OF THE ILLINOIS COMPILED STATUTES 1994 AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 1430100

CASE NO. 06CR-764

The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **OFFICIAL MISCONDUCT**

in that HE, BEING A PUBLIC EMPLOYEE IN HIS OFFICIAL CAPACITY, TO WIT: A CITY OF CHICAGO POLICE OFFICER, KNOWINGLY PERFORMED AN ACT WHICH HE KNEW HE WAS FORBIDDEN BY LAW TO PERFORM, TO WIT: VIOLATED ARTICLE V, RULE 1 OF THE CITY OF CHICAGO DEPARTMENT OF POLICE RULES & REGULATIONS WHICH STATES:

**"PROHIBITED ACTS INCLUDE: VIOLATION OF ANY LAW OR ORDINANCE"**

IN THAT HE COMMITTED THE OFFENSE OF AGGRAVATED BATTERY, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 12-4(b) OF THE ILLINOIS COMPILED STATUTES, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 33-3(b) OF THE ILLINOIS COMPILED STATUTES 1994 AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 1430100  
CASE NO. 06CR-764

The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **OFFICIAL MISCONDUCT**

in that HE, BEING A PUBLIC EMPLOYEE IN HIS OFFICIAL CAPACITY, TO WIT: A CITY OF CHICAGO POLICE OFFICER, KNOWINGLY PERFORMED AN ACT WHICH HE KNEW HE WAS FORBIDDEN BY LAW TO PERFORM, TO WIT: VIOLATED ARTICLE V, RULE 1. OF THE CITY OF CHICAGO DEPARTMENT OF POLICE RULES & REGULATIONS WHICH STATES:

"PROHIBITED ACTS INCLUDE: VIOLATION OF ANY LAW OR ORDINANCE"

IN THAT HE COMMITTED THE OFFENSE OF BATTERY, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 12-3(a) OF THE ILLINOIS COMPILED STATUTES, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 33-3(b) OF THE ILLINOIS COMPILED STATUTES 1994 AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 1430100  
CASE NO. 06CR-764

The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **OFFICIAL MISCONDUCT**

in that HE, BEING A PUBLIC EMPLOYEE IN HIS OFFICIAL CAPACITY, TO WIT: A CITY OF CHICAGO POLICE OFFICER, KNOWINGLY PERFORMED AN ACT WHICH HE KNEW HE WAS FORBIDDEN BY LAW TO PERFORM, TO WIT: VIOLATED ARTICLE V, RULE 2 OF THE CITY OF CHICAGO DEPARTMENT OF POLICE RULES & REGULATIONS WHICH STATES:

"PROHIBITED ACTS INCLUDE: ANY ACTION OR CONDUCT WHICH IMPEDES THE DEPARTMENT'S EFFORTS TO ACHIEVE ITS POLICY AND GOALS OR BRINGS DISCREDIT UPON THE DEPARTMENT."

IN THAT HE, INTENTIONALLY OR KNOWINGLY WITHOUT LEGAL JUSTIFICATION, STRUCK RANDLE MILES ABOUT HIS HEAD AND/OR BODY WHILE RANDLE MILES WAS HANDCUFFED, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 33-3(b) OF THE ILLINOIS COMPILED STATUTES 1994 AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 1430100  
CASE NO. 06CR-764

The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **OFFICIAL MISCONDUCT**

in that HE, BEING A PUBLIC EMPLOYEE IN HIS OFFICIAL CAPACITY, TO WIT: A CITY OF CHICAGO POLICE OFFICER, KNOWINGLY PERFORMED AN ACT WHICH HE KNEW HE WAS FORBIDDEN BY LAW TO PERFORM, TO WIT: VIOLATED ARTICLE V, RULE 8 OF THE CITY OF CHICAGO DEPARTMENT OF POLICE RULES & REGULATIONS WHICH STATES:

"PROHIBITED ACTS INCLUDE: DISRESPECT TO OR MALTREATMENT OF ANY PERSON, WHILE ON OR OFF DUTY."

IN THAT HE, INTENTIONALLY OR KNOWINGLY WITHOUT LEGAL JUSTIFICATION, STRUCK RANDLE MILES ABOUT HIS HEAD AND/OR BODY WHILE RANDLE MILES WAS HANDCUFFED, IN VIOLATION OF CHAPTER 720, ACT 5; SECTION 33-3(b) OF THE ILLINOIS COMPILED STATUTES 1994 AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 1430100  
CASE NO. 06CR-764

The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **OFFICIAL MISCONDUCT**

in that HE, BEING A PUBLIC EMPLOYEE IN HIS OFFICIAL CAPACITY, TO WIT: A CITY OF CHICAGO POLICE OFFICER, KNOWINGLY PERFORMED AN ACT WHICH HE KNEW HE WAS FORBIDDEN BY LAW TO PERFORM, TO WIT: VIOLATED ARTICLE V, RULE 9 OF THE CITY OF CHICAGO DEPARTMENT OF POLICE RULES & REGULATIONS WHICH STATES:

"PROHIBITED ACTS INCLUDE: ENGAGING IN ANY UNJUSTIFIED VERBAL OR PHYSICAL ALTERCATION WITH ANY PERSON WHILE ON OR OFF DUTY."

IN THAT HE, INTENTIONALLY OR KNOWINGLY WITHOUT LEGAL JUSTIFICATION, STRUCK RANDLE MILES ABOUT HIS HEAD AND/OR BODY WHILE RANDLE MILES WAS HANDCUFFED, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 33-3(b) OF THE ILLINOIS COMPILED STATUTES 1994 AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 1430100

CASE NO. 06CR-764

The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **OFFICIAL MISCONDUCT**

in that HE, BEING A PUBLIC EMPLOYEE IN HIS OFFICIAL CAPACITY, TO WIT: A CITY OF CHICAGO POLICE OFFICER, KNOWINGLY PERFORMED AN ACT WHICH HE KNEW HE WAS FORBIDDEN BY LAW TO PERFORM, TO WIT: VIOLATED ARTICLE V, RULE 6 OF THE CITY OF CHICAGO DEPARTMENT OF POLICE RULES & REGULATIONS WHICH STATES:

"PROHIBITED ACTS INCLUDE: DISOBEDIENCE OF AN ORDER OR DIRECTIVE, WHETHER WRITTEN OR ORAL."

TO WIT: VIOLATED CITY OF CHICAGO DEPARTMENT OF POLICE GENERAL ORDER 02 - 08, ITEM III - A, TITLED: USE OF FORCE GUIDELINES, WHICH STATES:

"WHEN A DEPARTMENT MEMBER ENGAGES A MEMBER OF THE PUBLIC, THE MEMBER WILL DO SO IN SUCH A MANNER WHICH AFFORDS THAT PERSON THE RESPECT AND DIGNITY TO WHICH ALL PERSONS ARE ENTITLED. THE USE OF EXCESSIVE FORCE OR UNWARRANTED PHYSICAL FORCE OR UNPROFESSIONAL CONDUCT BY A DEPARTMENT MEMBER WILL NOT BE TOLERATED UNDER ANY CIRCUMSTANCES"

IN THAT HE, INTENTIONALLY OR KNOWINGLY, USED EXCESSIVE OR UNWARRANTED PHYSICAL FORCE BY STRIKING RANDLE MILES, A MEMBER OF THE PUBLIC, ABOUT HIS HEAD AND/OR BODY WHILE RANDLE MILES WAS HANDCUFFED, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 33-3(b) OF THE ILLINOIS COMPILED STATUTES 1994 AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 1430100  
CASE NO. 06CR-764



The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

**WILLIAM COZZI**

committed the offense of **BATTERY**

in that HE, INTENTIONALLY OR KNOWINGLY, WITHOUT LEGAL JUSTIFICATION, CAUSED BODILY HARM TO RANDLE MILES, TO WIT: HE STRUCK RANDLE MILES ABOUT HIS HEAD AND/OR BODY, CAUSING SWELLING TO RANDLE MILES' LIP AND/OR PAIN TO RANDLE MILES' BODY, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 12-3(a)(1) OF THE ILLINOIS COMPILED STATUTES 1992, AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 930000  
CASE NO. 06CR-764

The Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about August 2, 2005 at and within the County of Cook, Illinois.

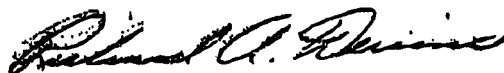
**WILLIAM COZZI**

committed the offense of **BATTERY**

in that HE, INTENTIONALLY OR KNOWINGLY WITHOUT LEGAL JUSTIFICATION, MADE PHYSICAL CONTACT OF AN INSULTING OR PROVOKING NATURE WITH RANDLE MILES, TO WIT: HE STRUCK RANDLE MILES ABOUT HIS HEAD AND/OR BODY, IN VIOLATION OF CHAPTER 720, ACT 5, SECTION 12-3(a)(2) OF THE ILLINOIS COMPILED STATUTES 1992, AS AMENDED, AND

contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Criminal Code: 930000  
CASE NO. 06CR-764



ADMINISTRATIVE PROCEEDING RIGHTS (Statutory)  
 /NOTIFICATION OF CHARGES/ALLEGATIONS  
 CHICAGO POLICE DEPARTMENT

GIVEN TO ACCUSED  
 DATE

14 SEP 05 TIME 1040

NAME OF ACCUSED  
 William Cozzi

RANK  
 PO

STAR NO.  
 4129

UNIT OF ASSIGNMENT  
 025

ADMINISTRATIVE PROCEEDINGS RIGHTS (Statutory)

The law provides that you are to be advised of the following:

1. Any admission or statement made by you in the course of this hearing, interrogation or examination may be used as the basis for your suspension or as the basis for charges seeking your removal or discharge or suspension in excess of 30 days.
2. You have the right to counsel of your choosing to be present with you to advise you at this hearing, interrogation or examination and you may consult with him as you desire.
3. You have a right to be given a reasonable time to obtain counsel of your own choosing.
4. You have no right to remain silent. You have an obligation to truthfully answer questions put to you. You are advised that your statements or responses constitute an official police report.
5. If you refuse to answer questions put to you, you will be ordered by a superior officer to answer the questions.
6. If you persist in your refusal after the order has been given to you, you are advised that such refusal constitutes a violation of the Rules and Regulations of the Chicago Police Department and will serve as a basis for which your discharge will be sought.
7. You are further advised that by law any admission or statement made by you during the course of this hearing, interrogation or examination and the fruits hereof cannot be used against you in a subsequent criminal proceedings.

CHARGES/ALLEGATIONS

The law provides that if you are to be charged with criminal offense or if your separation from the Department will be sought, you are to be advised in writing of the specific illegal or improper acts alleged against or attributed to you.

Furthermore, Department policy provides that you have a right to be advised in writing of the names of complainants and the allegations against you prior to any questioning of you concerning the allegations regardless of the nature of the allegation and even if the allegation is such that it will not result in the filing of criminal charges or the filing of separation charges.

Accordingly, you are hereby advised that the following allegations have been attributed to you:

COMPLAINANTS:

1. Michael O'Grady (complainant)
2. Randle Miles (victim)
3. OPS Inv. Kristi M. Lyons #232

It is alleged that on 02 August 2005, at approximately 1345 hours, inside Norwegian American Hospital, located at 1044 North Francisco, and during the course of the arrest of Randle Miles; you:

- physically maltreated Miles;
- were in possession of unauthorized equipment/weapon; and
- provided a false report relative to circumstances of the arrest of Randle Miles.

The undersigned hereby acknowledges that he was informed of the rights listed above and acknowledges receipt in writing of the charges or allegations against him.

Signature

PO WJ 4129

Witnesses:

*[Signature]* #232

COMPLAINT REGISTER NO.  
 307992

ATTACHMENT NO.  
 54

ADMINISTRATIVE PROCEEDING RIGHTS (Statutory)  
/NOTIFICATION OF CHARGES/ALLEGATIONS  
CHICAGO POLICE DEPARTMENT

GIVEN TO ACCUSED  
DATE

TIME

NAME OF ACCUSED

William Cozzi

RANK

PO

STAR NO.

4129

UNIT OF ASSIGNMENT

025

ADMINISTRATIVE PROCEEDINGS RIGHTS (Statutory)

The law provides that you are to be advised of the following:

1. Any admission or statement made by you in the course of this hearing, interrogation or examination may be used as the basis for your suspension or as the basis for charges seeking your removal or discharge or suspension in excess of 30 days.
2. You have the right to counsel of your choosing to be present with you to advise you at this hearing, Interrogation or examination and you may consult with him as you desire.
3. You have a right to be given a reasonable time to obtain counsel of your own choosing.
4. You have no right to remain silent. You have an obligation to truthfully answer questions put to you. You are advised that your statements or responses constitute an official police report.
5. If you refuse to answer questions put to you, you will be ordered by a superior officer to answer the questions.
6. If you persist in your refusal after the order has been given to you, you are advised that such refusal constitutes a violation of the Rules and Regulations of the Chicago Police Department and will serve as a basis for which your discharge will be sought.
7. You are further advised that by law any admission or statement made by you during the course of this hearing, interrogation or examination and the fruits hereof cannot be used against you in a subsequent criminal proceedings.

CHARGES/ALLEGATIONS

The law provides that if you are to be charged with criminal offense or if your separation from the Department will be sought, you are to be advised in writing of the specific illegal or improper acts alleged against or attributed to you.

Furthermore, Department policy provides that you have a right to be advised in writing of the names of complainants and the allegations against you prior to any questioning of you concerning the allegations regardless of the nature of the allegation and even if the allegation is such that it will not result in the filing of criminal charges or the filing of separation charges.

Accordingly, you are hereby advised that the following allegations have been attributed to you:

COMPLAINANTS:

1. Michael O'Grady (complainant)
2. Randle Miles (victim)
3. OPS Inv. Kristi M. Lyons #232

It is alleged that on 02 August 2005, at approximately 1345 hours, inside Norwegian American Hospital, located at 1044 North Francisco, and during the course of the arrest of Randle Miles; you:

- physically maltreated Miles;
- were in possession of unauthorized equipment/weapon; and
- provided a false report relative to circumstances of the arrest of Randle Miles.

The undersigned hereby acknowledges that he was informed of the rights listed above and acknowledges receipt in writing of the charges or allegations against him.

Signature

Witnesses:

[Signature]  
S. Carter #214

COMPLAINT REGISTER NO.  
307992

ATTACHMENT NO.

56

ADMINISTRATIVE PROCEEDING RIGHTS (Statutory)  
/NOTIFICATION OF CHARGES/ALLEGATIONS  
CHICAGO POLICE DEPARTMENT

GIVEN TO ACCUSED  
DATE HSP/OS

TIME 953

NAME OF ACCUSED William Cozzi	RANK PO	STAR NO. 4129	UNIT OF ASSIGNMENT 025
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ADMINISTRATIVE PROCEEDINGS RIGHTS (Statutory)

The law provides that you are to be advised of the following:

- Any admission or statement made by you in the course of this hearing, interrogation or examination may be used as the basis for your suspension or as the basis for charges seeking your removal or discharge or suspension in excess of 30 days.
- You have the right to counsel of your choosing to be present with you to advise you at this hearing, interrogation or examination and you may consult with him as you desire.
- You have a right to be given a reasonable time to obtain counsel of your own choosing.
- You have no right to remain silent. You have an obligation to truthfully answer questions put to you. You are advised that your statements or responses constitute an official police report.
- If you refuse to answer questions put to you, you will be ordered by a superior officer to answer the questions.
- If you persist in your refusal after the order has been given to you, you are advised that such refusal constitutes a violation of the Rules and Regulations of the Chicago Police Department and will serve as a basis for which your discharge will be sought.
- You are further advised that by law any admission or statement made by you during the course of this hearing, interrogation or examination and the fruits hereof cannot be used against you in a subsequent criminal proceedings.

CHARGES/ALLEGATIONS

The law provides that if you are to be charged with criminal offense or if your separation from the Department will be sought, you are to be advised in writing of the specific illegal or improper acts alleged against or attributed to you.

Furthermore, Department policy provides that you have a right to be advised in writing of the names of complainants and the allegations against you prior to any questioning of you concerning the allegations regardless of the nature of the allegation and even if the allegation is such that it will not result in the filing of criminal charges or the filing of separation charges.

Accordingly, you are hereby advised that the following allegations have been attributed to you:

COMPLAINANTS:

- Michael O'Grady (complainant)
- Randle Miles (victim)
- OPS Inv. Kristi M. Lyons #232

It is alleged that on 02 August 2005, at approximately 1345 hours, inside Norwegian American Hospital, located at 1044 North Francisco, and during the course of the arrest of Randle Miles; you:

- physically maltreated Miles;
- were in possession of unauthorized equipment/weapon; and
- provided a false report relative to circumstances of the arrest of Randle Miles.

The undersigned hereby acknowledges that he was informed of the rights listed above and acknowledges receipt in writing of the charges or allegations against him.

Signature POW 4/28/05 HSP/OS

Witnesses:

Kristi M. Lyons #232  
S. Carter #214

COMPLAINT REGISTER NO.  
307992

ATTACHMENT NO.

58

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR0076401

WILLIAM COZZI

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION with the Clerk of the Circuit Court.

Charging the above named defendant with:

720-5/12-4 (b) (1)	F	AGG BATTERY/WEAPON/NO FIREARM
720-5/12-4 (b) (1)	F	AGG BATTERY/WEAPON/NO FIREARM
720-5/12-4 (b) (8)	F	AGG BATTERY/PUBLIC PLACE
720-5/33-3 (b)	F	OFFL MISCONDUCT/FORBIDDEN ACT
720-5/33-3 (b)	F	OFFL MISCONDUCT/FORBIDDEN ACT
720-5/33-3 (b)	F	OFFL MISCONDUCT/FORBIDDEN ACT
720-5/33-3 (b)	F	OFFL MISCONDUCT/FORBIDDEN ACT
720-5/33-3 (b)	F	OFFL MISCONDUCT/FORBIDDEN ACT
720-5/33-3 (b)	F	OFFL MISCONDUCT/FORBIDDEN ACT
720-5/33-3 (b)	F	OFFL MISCONDUCT/FORBIDDEN ACT
720-5/33-3 (b)	F	OFFL MISCONDUCT/FORBIDDEN ACT
720-5/33-3 (b)	F	OFFL MISCONDUCT/FORBIDDEN ACT
720-5/33-3 (b)	F	OFFL MISCONDUCT/FORBIDDEN ACT
720-5/33-3 (b)	F	OFFL MISCONDUCT/FORBIDDEN ACT
720-5/33-3 (b)	F	OFFL MISCONDUCT/FORBIDDEN ACT
720-5/12-3	M	BATTERY
720-5/12-3	M	BATTERY

The following disposition(s) was/were rendered before the Honorable Judge(s):

01/05/06 IND/INFO-CLK OFFICE-PRES JUDGE 06CR0076401 ID# CR100021117	01/19/06 1701	
01/19/06 CASE ASSIGNED BIEBEL, PAUL JR.	01/19/06 1703	
01/19/06 APPEARANCE FILED FOX, LAWRENCE P.	00/00/00	
01/19/06 DEFENDANT ARRAIGNED FOX, LAWRENCE P.	00/00/00	
01/19/06 PLEA OF NOT GUILTY FOX, LAWRENCE P.	00/00/00	
01/19/06 BAIL AMOUNT SET FOX, LAWRENCE P.	00/00/00	\$ 50000
01/19/06 O/C ONLY REL DEF ON C/D BOND FOX, LAWRENCE P.	00/00/00	

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR0076401

WILLIAM

COZZI

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION

01/19/06 DEF REM CUST CC SHERIF	00/00/00		
FOX, LAWRENCE P.			
01/19/06 DEFENDANT IN CUSTODY	00/00/00		
FOX, LAWRENCE P.			
01/19/06 PRISONER DATA SHEET TO ISSUE	00/00/00		
FOX, LAWRENCE P.			
01/19/06 FINGER PRINTING ORDERED	00/00/00		
FOX, LAWRENCE P.			
01/19/06 ADMONISH AS TO TRIAL IN ABSENT	00/00/00		
FOX, LAWRENCE P.			
01/19/06 CONTINUANCE BY AGREEMENT	02/27/06		
FOX, LAWRENCE P.			
01/27/06 SPECIAL ORDER	00/00/00		
NOTIFICATION OF MOTION SUBSTITUTION OF JUDGE			
01/27/06 HEARING DATE ASSIGNED	01/31/06	1703	
01/31/06 DEFENDANT ON BOND	00/00/00		
FOX, LAWRENCE P.			
01/31/06 MOTION TO SUBSTITUTE JUDGE	00/00/00	S	2
FOX, LAWRENCE P.			
01/31/06 TRANSFERRED	02/01/06	1701	
FOX, LAWRENCE P.			
02/01/06 CASE ASSIGNED	02/01/06	1720	
BIEBEL, PAUL JR.			
02/01/06 DEFENDANT ON BOND	00/00/00		
KIRBY, JOHN P.			
02/01/06 CONTINUANCE BY AGREEMENT	03/01/06		
KIRBY, JOHN P.			
03/01/06 DEFENDANT ON BOND	00/00/00		
BOWIE, JR., PRESTON L.			
03/01/06 WITNESSES ORDERED TO APPEAR	00/00/00		
BOWIE, JR., PRESTON L.			
03/01/06 CONTINUANCE BY AGREEMENT	03/08/06		
BOWIE, JR., PRESTON L.			
03/08/06 DEFENDANT ON BOND	00/00/00		
BOWIE, JR., PRESTON L.			
03/08/06 CONTINUANCE BY AGREEMENT	04/05/06		
BOWIE, JR., PRESTON L.			



PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR0076401

WILLIAM COZZI

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION	
04/05/06 DEFENDANT ON BOND	00/00/00
KIRBY, JOHN P.	
04/05/06 CONTINUANCE BY AGREEMENT	05/11/06
KIRBY, JOHN P.	
05/11/06 DEFENDANT ON BOND	00/00/00
BOWIE, JR., PRESTON L.	
05/11/06 CONTINUANCE BY AGREEMENT	06/08/06
BOWIE, JR., PRESTON L.	
06/08/06 DEFENDANT ON BOND	00/00/00
BOWIE, JR., PRESTON L.	
06/08/06 CONTINUANCE BY AGREEMENT	07/14/06
BOWIE, JR., PRESTON L.	
07/14/06 DEFENDANT ON BOND	00/00/00
BOWIE, JR., PRESTON L.	
07/14/06 CONTINUANCE BY AGREEMENT	08/25/06
BOWIE, JR., PRESTON L.	
08/25/06 DEFENDANT ON BOND	00/00/00
BROWN, MICHAEL	
08/25/06 SPECIAL ORDER	00/00/00
DEFT. MOTION IN LIMMIE	
BROWN, MICHAEL	
08/25/06 CONTINUANCE BY AGREEMENT	10/05/06
BROWN, MICHAEL	
10/05/06 DEFENDANT ON BOND	00/00/00
BROWN, MICHAEL	
10/05/06 DISCOVERY ANSWER FILED	00/00/00 F
BROWN, MICHAEL	2
10/05/06 WITNESSES ORDERED TO APPEAR	00/00/00
BROWN, MICHAEL	
10/05/06 CONTINUANCE BY AGREEMENT	11/16/06
BROWN, MICHAEL	
11/16/06 DEFENDANT ON BOND	00/00/00
BROWN, MICHAEL	
11/16/06 WITNESSES ORDERED TO APPEAR	00/00/00
BROWN, MICHAEL	
11/16/06 CONTINUANCE BY ORDER OF COURT	11/21/06
BROWN, MICHAEL	



PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR0076401

WILLIAM

COZZI

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION		
11/21/06 DEFENDANT ON BOND	00/00/00	
BROWN, MICHAEL		
11/21/06 MOTION IN LIMINE	00/00/00 S	2
BROWN, MICHAEL		
11/21/06 CONTINUANCE BY AGREEMENT	01/05/07	
BROWN, MICHAEL		
01/05/07 DEFENDANT ON BOND	00/00/00	
BROWN, MICHAEL		
01/05/07 CONTINUANCE BY AGREEMENT	01/26/07	
BROWN, MICHAEL		
01/26/07 DEFENDANT ON BOND	00/00/00	
BROWN, MICHAEL		
01/26/07 CONTINUANCE BY AGREEMENT	02/26/07	
BROWN, MICHAEL		
02/26/07 DEFENDANT IN CUSTODY	00/00/00	
BROWN, MICHAEL		
02/26/07 PRISONER DATA SHEET TO ISSUE	00/00/00	
BROWN, MICHAEL		
02/26/07 CONTINUANCE BY AGREEMENT	03/13/07	
BROWN, MICHAEL		
03/13/07 DEFENDANT IN CUSTODY	00/00/00	
BROWN, MICHAEL		
03/13/07 PRISONER DATA SHEET TO ISSUE	00/00/00	
BROWN, MICHAEL		
03/13/07 WITNESSES ORDERED TO APPEAR	00/00/00	
BROWN, MICHAEL		
03/13/07 CONTINUANCE BY AGREEMENT	05/10/07	
BROWN, MICHAEL		
05/10/07 DEFENDANT ON BOND	00/00/00	
BROWN, MICHAEL		
05/10/07 PLEA OF GUILTY	C016 00/00/00	
BROWN, MICHAEL		
05/10/07 JURY WAIVED	00/00/00	
BROWN, MICHAEL		
05/10/07 FINDING OF GUILTY	C016 00/00/00	
BROWN, MICHAEL		
05/10/07 DEF SENTENCED TO PROBATION	C016 00/00/00	
MISDEMEANOR PROBATION		
18 MTH		
BROWN, MICHAEL		

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR0076401

WILLIAM COZZI

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION  
05/10/07 DEF DEMAND FOR TRIAL 00/00/00

BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C001 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C002 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C003 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C004 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C005 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C006 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C007 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C005 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C006 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C007 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C008 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C009 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C010 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C011 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C012 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C013 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C014 00/00/00
BROWN, MICHAEL	
05/10/07 NOLLE PROSEQUI	C015 00/00/00
BROWN, MICHAEL	

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR0076401

WILLIAM

COZZI

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION  
05/10/07 NOLLE PROSEQUI C017 00/00/00

BROWN, MICHAEL

05/10/07 FINES COSTS FEES PER DRFT ORD \$ 680

BROWN, MICHAEL

05/10/07 PAYMENT RECEIVED - BOND DEDUCT 00/00/00

FINES TO BE TAKEN OUT OF DEFENDANT BOND

BROWN, MICHAEL

05/10/07 DEF ADVISED OF RIGHT TO APPEAL 00/00/00

BROWN, MICHAEL

05/10/07 CHANGE PRIORITY STATUS M 00/00/00

BROWN, MICHAEL

07/16/07 PAYMENT RECEIVED - BOND DEDUCT 00/00/00 \$ 680

07/16/07 CBR PROCSED FRWD ACCT DEP 00/00/00

I hereby certify that the foregoing has been entered of record on the above captioned case.

Date 02/05/08

*Dorothy Brown*  
DOROTHY BROWN

CLERK OF THE CIRCUIT COURT OF COOK COUNTY

*T.E.D.*

## BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST )	
POLICE OFFICER WILLIAM J. COZZI, )	No. 06 PB 2604
STAR No. 4129, DEPARTMENT OF POLICE, )	
CITY OF CHICAGO, )	
RESPONDENT )	(CR No. 307992)

FINDINGS

On April 03, 2006, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer William J. Cozzi, Star No. 4129 (hereinafter sometimes referred to as "Respondent"), seeking his discharge for violating the following Rules of Conduct:

- Rule 1: Violation of any law or ordinance.
- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 14: Making a false report, written or oral.

The Police Board caused a hearing on these charges against Police Officer William J. Cozzi to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on July 10 and August 17, 2007.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the hearing and viewed the video-recording of the hearing. Thomas E. Johnson,

Police Board Case No. 06 PB 2604  
Police Officer William J. Cozzi  
Page 2

Hearing Officer, made an oral report to and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its hearing of the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.
2. The charges were filed in writing and a Notice, stating the time, date, and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.
3. The Respondent appeared throughout the hearing and was represented by legal counsel.
4. The Respondent, Police Officer William J. Cozzi, Star No. 4129, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance.

in that:

Count I: On or about August 2, 2005, at or near Norwegian American Hospital at 1044 North Francisco Avenue, Chicago, he committed the offense of Aggravated Battery in that he, intentionally or knowingly without legal justification, caused bodily harm to Randle Miles by striking Miles about the head and/or body with a "blackjack" and/or "flat sap" and/or bludgeon, in violation of 720 ILCS 5/12-4(b)(1).

Count II: On or about August 2, 2005, at or near Norwegian American Hospital at 1044 North Francisco Avenue, Chicago, he committed the offense of Aggravated Battery in that he, intentionally or knowingly without legal justification, caused bodily harm to Randle Miles by striking Miles about

Police Board Case No. 06 PB 2604  
Police Officer William J. Cozzi  
Page 3

the head and/or body while Miles was on or about a public way, public property, or public place of accomodation, in violation of 720 ILCS 5/12-4(b)(8).

Count III: On or about August 2, 2005, at or near Norwegian American Hospital at 1044 North Francisco Avenue, Chicago, he committed the offense of Battery in that he, intentionally or knowingly without legal justification, caused bodily harm to Randle Miles by striking Miles about the head and/or body, in violation of 720 ILCS 5/12-3(a)(1).

Count IV: On or about August 2, 2005, at or near Norwegian American Hospital at 1044 North Francisco Avenue, Chicago, he committed the offense of Battery in that he, intentionally or knowingly without legal justification, made physical contact of an insulting or provoking nature with Randle Miles by striking Miles about the head and/or body, in violation of 720 ILCS 5/12-3(a)(2).

5. The Respondent, Police Officer William J. Cozzi, Star No. 4129, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

in that:

Count I: On or about August 2, 2005, at or near Norwegian American Hospital at 1044 North Francisco Avenue, Chicago, he struck Randle Miles about the head and/or body with a "blackjack" and/or "flat sap" and/or bludgeon.

Count II: On or about August 2, 2005, at or near Norwegian American Hospital at 1044 North Francisco Avenue, Chicago, while on duty, he used and/or was in possession of a weapon that is not prescribed by the Chicago Police Department.

Count III: On or about August 2, 2005, he generated one or more reports containing false information concerning his arrest of Randle Miles.

6. The Respondent, Police Officer William J. Cozzi, Star No. 4129, charged herein, is **guilty** of violating, to wit:

Police Board Case No. 06 PB 2604  
Police Officer William J. Cozzi  
Page 4

Rule 6: Disobedience of an order or directive, whether written or oral.

in that:

On or about August 2, 2005, at or near Norwegian American Hospital at 1044 North Francisco Avenue, Chicago, while on duty, he used and/or was in possession of a weapon that is not prescribed by the Chicago Police Department, in violation of General Order 98-10-03, paragraph II(G) and III(C).

7. The Respondent, Police Officer William J. Cozzi, Star No. 4129, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

in that:

On or about August 2, 2005, at or near Norwegian American Hospital at 1044 North Francisco Avenue, Chicago, he struck Randle Miles about the head and/or body with a "blackjack" and/or "flat sap" and/or bludgeon.

8. The Respondent, Police Officer William J. Cozzi, Star No. 4129, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

in that:

On or about August 2, 2005, at or near Norwegian American Hospital at 1044 North Francisco Avenue, Chicago, he struck Randle Miles about the head and/or body with a "blackjack" and/or "flat sap" and/or bludgeon.

9. The Respondent, Police Officer William J. Cozzi, Star No. 4129, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral.

Police Board Case No. 06 PB 2604  
Police Officer William J. Cozzi  
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in that:

On or about August 2, 2005, he generated one or more reports containing false information concerning his arrest of Randle Miles.

10. The Respondent's complimentary history includes thirty-two Honorable Mentions, seven Complimentary Letters, and other awards, and the Respondent's disciplinary history contains no sustained complaints.

By reason of the findings of fact and guilt herein, and taking into account the Respondent's complimentary and disciplinary histories, cause exists for the suspension of the Respondent, Police Officer William J. Cozzi, Star No. 4129, from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of two (2) years, from April 04, 2006, to and including April 03, 2008.

Respectfully submitted,



---

THOMAS E. JOHNSON  
Hearing Officer



Police Board Case No. 06 PB 2604  
 Police Officer William J. Cozzi  
 Page 6

DECISION

The Police Board of the City of Chicago, having read and reviewed the certified transcription of the hearing, having viewed the video-recording of the hearing, having received the oral report of the Hearing Officer, Thomas E. Johnson, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A; and

**IT IS HEREBY ORDERED** that the Respondent, Police Officer William J. Cozzi, Star No. 4129, as a result of having been found **guilty** of charges in Police Board Case No. 06 PB 2604, be and hereby is **suspended** from his position as a police officer, and from the services of the City of Chicago, for a period from 04 April 2006 to and including 03 April 2008 (two years).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18<sup>th</sup> DAY OF OCTOBER, 2007.

*Patricia C. Balle*  
*Vicki Long*  
*Joseph J. Smith*  
*William J. Cozzi*  
*Per Johnny L. Miller*

Attested by:

*M. A. Caproni*  
 Executive Director  
 Police Board

Police Board Case No. 06 PB 2604  
Police Officer William J. Cozzi  
Page 7

DISSENT

The following members of the Police Board hereby dissent from the decision of the majority of the Board.

The undersigned voted to order that the Respondent be discharged from his position as a police officer.

Kenneth J. Carney

Shaff Davis

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS 1st DAY OF NOVEMBER, 2007.

Dana D. Stanb

INTERIM SUPERINTENDENT OF POLICE

Westlaw.

NewsRoom

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2008 WLNR 3388861

Chicago Sun Times (IL)  
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January 22, 2008

Section: News

Taped beating a campaign issue  
Candidate says opponent backed reducing the charge, but she denies it

Rosalind Rossi

Two top prosecutors vying to be the next Cook County state's attorney ripped into each other Monday over a decision to drop felony charges against a Chicago Police officer captured on tape pummeling a man shackled to a wheelchair.

Chief Deputy State's Attorney Anita Alvarez said she never supported bargaining the case down to misdemeanor battery during a meeting with State's Attorney Dick Devine that included one of her opponents for Devine's job, First Assistant Robert Milan.

"As I remember it, I said I didn't agree," Alvarez said. "It was under Mr. Milan's advisement that this would be a good disposition of the case. . . .

"I never advised the state's attorney to reduce this from a felony. This is a perfect example of why I am running for state's attorney," Alvarez said. "Sound judgment won't become overruled when I am state's attorney."

Alvarez said she was "outraged" when she first saw the 2005 beating in a video that was obtained by the Chicago Sun-Times under a Freedom of Information Act request and posted Monday on the newspaper's Web site.

Milan, whom Devine endorsed in the Democratic primary, insisted Alvarez "absolutely approved" of the deal, which was recommended by prosecutors on the case.

Her claims to the contrary are "nothing but sour grapes, because ever since Dick Devine endorsed me, these are the types of things she's doing," Milan said.

Considering the facts, Milan said, a plea to misdemeanor battery with 18 months probation and counseling was appropriate. But, he said, Officer **William Cozzi** should be fired for the attack on Randle Miles, now 62, at Norwegian American Hospital.

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Instead, the Police Board, which decides police discipline, gave Cozzi a two-year unpaid suspension. The Police Department has appealed, seeking termination.

Authorities have said Miles was intoxicated, verbally abusive and waiting in a wheelchair to be treated for a shoulder stab wound when police were called.

During the arrest, Cozzi handcuffed Miles to the wheelchair, and when Miles resisted, Cozzi retrieved leg shackles from his police car, prosecutors said previously.

The tape shows Cozzi shackling Miles' legs to the wheelchair and striking him about 10 times. Prosecutors have said Cozzi also used a small nightstick on Miles.

Milan called Cozzi's actions "despicable" but said Cozzi had no disciplinary record, earned 32 honorable mentions and served honorably in the Air Force.

Miles "was so out of it, he didn't even remember it happening," Milan said. Miles agreed to drop felony official misconduct charges against Cozzi, he said.

Ald. Tom Allen [38th] was among several Democratic candidates Monday to say they would have handled things differently. Allen said the case should have gone to trial as originally charged.

"I think that the justice system should determine the outcome of this case, rather than someone in the state's attorney's office reducing the offense," Allen said.

Cook County Commissioner Larry Suffredin said any misdemeanor deal should have included Cozzi's agreement to leave the Police Department, and "If [Cozzi] chose not to take the deal, then you try the felony case."

Ald. Howard Brookins [21st] questioned how an officer accused of "beating a 62-year-old defenseless person, handcuffed to a wheelchair" could plead to only a misdemeanor.

"When I'm state's attorney," Brookins said, "nobody will be treated above or below the law."

---- INDEX REFERENCES ----

REGION: (USA (1US73); Americas (1AM92); Illinois (1IL01); North America (1NO39))

Language: EN

OTHER INDEXING: (AIR FORCE; AMERICAN HOSPITAL; DEMOCRATIC; POLICE BOARD; POLICE DEPARTMENT) (Allen; Alvarez; Anita Alvarez; Brookins; Chief Deputy State; Cozzi; Devine; Dick Devine; Howard Brookins; Larry Suffredin; Tom Allen; William Cozzi)

EDITION: Final

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Word Count: 677  
1/22/08 CHISUN 7  
END OF DOCUMENT

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Westlaw.

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2008 WLNR 3388670

Chicago Sun Times (IL)  
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January 21, 2008

Section: News

Another black eye

Cop caught on tape beating man in wheelchair could be back on the beat in April.  
Now, Chicago's new top cop says he will take a 'hard, close look' at the case

Frank Main

New Chicago Police Supt. Jody Weis will take a "hard, close look" at taking further action against an officer suspended after a surveillance camera captured him beating a man handcuffed and shackled to a wheelchair, a police spokeswoman says.

Officer William J. Cozzi is one of three officers who pleaded guilty last year to misdemeanor battery for beating people in 2005. Surveillance cameras recorded each of the separate incidents.

Cozzi, 50, is scheduled to return to work in April after completing a suspension.

The matter is "a concern" for Weis, an FBI veteran who takes office as superintendent Feb. 1 and has vowed to crack down on police misconduct, police spokeswoman Monique Bond said.

"This is a case he will be taking a hard, close look at for further action," Bond said. "Supt. Weis has requested a briefing and will review the matter."

The video of Cozzi beating a wheelchair-bound hospital patient was entered into evidence at his disciplinary hearing before the Chicago Police Board in July and August.

The Chicago Sun-Times obtained a copy of the video through a Freedom of Information request.

The soundless video shows Randle Miles, now 62, sitting in a wheelchair in the lobby of the emergency room at Norwegian-American Hospital in the Humboldt Park neighborhood on the Northwest Side.

Miles was in the hospital for a stab wound to the shoulder. He apparently was in-

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toxicated, uncooperative with the hospital's staff and verbally abusive to officers when they were called, authorities say.

A 42-second snippet of video shows Cozzi, who was on duty, shackling Miles' legs to the wheelchair, then striking Miles about 10 times -- finishing with a round-house blow.

Cook County prosecutors have said Cozzi struck Miles with a "blackjack" -- a small baton.

Miles required stitches, said his attorney, Timothy Whiting, whose law firm obtained a \$125,000 settlement from the city. "He is harmless," Whiting said of Miles.

Cozzi couldn't be reached for comment, but his attorney, William Fahy, said his client is "extremely remorseful of his conduct."

"The Police Board heard all the evidence and found him guilty of his conduct," Fahy said. "They considered his many, many years as a police officer. Based on the evidence, they made the right call. He deserves a second chance."

Cozzi was sentenced to 18 months' probation in his criminal case. He also was found guilty of violating Police Department rules. But the Police Board, which considers disciplinary action against cops, rejected the department's recommendation to fire Cozzi. Instead, Cozzi was given a two-year, unpaid suspension.

The board voted 6-2 that Cozzi deserved a suspension because he earned 32 honorable mentions and other awards during his 15-year career and didn't have a disciplinary history. Board President Demetrius Carney was one of the dissenting votes. He didn't return a call seeking comment.

In November, the Police Department filed an appeal in court, seeking to have Cozzi fired.

Disciplinary proceedings are pending against two other officers, Larry Guy Jr. and Alexandra Martinez, in separate 2005 beatings. Both pleaded guilty to misdemeanor battery. Neither case has been ruled on by the Police Board.

Guy, 40, was charged with punching a handcuffed shoplifting suspect at a Target near California and Addison. The city paid Armando Lucas \$92,500 to settle a lawsuit against Guy, records show.

Martinez, 39, was accused of slamming a 14-year-old girl's head against a wall and punching her in the face. The girl was a shoplifting suspect in a JC Penney at 76th and Cicero.

---- INDEX REFERENCES ----

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Page 3

COMPANY: JC PENNEY CO INC

NEWS SUBJECT: (Legal (1LE33))

REGION: (USA (1US73); Americas (1AM92); Illinois (1IL01); North America (1NO39))

Language: EN

OTHER INDEXING: (AMERICAN HOSPITAL; BOARD; CHICAGO POLICE BOARD; FBI; JC PENNEY; NEW CHICAGO POLICE SUPT; POLICE BOARD; POLICE DEPARTMENT; SUPT) (Alexandra Martinez; Bond; Cozzi; Demetrius Carney; Fahy; Guy; Jody Weis; Larry Guy Jr.; Martinez; Monique Bond; Timothy Whiting; Weis; Whiting; William Fahy; William J. Cozzi)

EDITION: Final

Word Count: 712  
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4/4/08 Chicago Tribune (KRTBN) (Pg. Unavail. Online)  
2008 WLNR 6367117

Chicago Tribune (KRT)  
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**April 4, 2008**

Beating in wheelchair by Chicago cop leads to federal indictment  
Angela Rozas  
Chicago Tribune

Apr. 4--A Chicago police officer was indicted this week on a federal charge of violating the civil rights of a man beaten while handcuffed to a wheelchair, an incident that was caught on videotape.

A federal grand jury indicted **William Cozzi**, 50, on one count of violating the man's civil rights during an arrest at a Chicago hospital in August 2005, according to the U.S. attorney's office. Cozzi will be arraigned at a later date.

"Every citizen, regardless of being in police custody, has a constitutional right to be free from the use of unreasonable force by law enforcement officers," U.S. Atty. Patrick Fitzgerald said in a statement.

Cozzi pleaded guilty last year to misdemeanor battery in Cook County Circuit Court for the beating and was given 18 months' probation and ordered to undergo anger management classes.

Cozzi, who worked in the Police Department's Grand-Central District at the time of the beating, was suspended from the department for two years. The department filed an appeal in November in Cook County court to get Cozzi fired.

Supt. Jody Weis said in January that he was looking into the case to determine if more needed to be done. On Thursday, a spokeswoman for the department said Weis referred the case to the FBI and that Cozzi remains on unpaid leave from the department and "will not return to duty."

The indictment stems from an incident involving Randle Miles, who was being treated for stab wounds at Norwegian American Hospital when he resisted being placed in the wheelchair, according to reports.

Cozzi, who had been dispatched to the hospital to speak with Miles, became enraged by his behavior, Cook County prosecutors said.

Cozzi placed the man in handcuffs and said, "Don't move, or I'll break your [expletive] wrists," prosecutors said after Cozzi's arrest. Cozzi hit the man 10

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times with a small club in the face and torso, prosecutors said.

Miles sued and eventually won a \$125,000 settlement from the city.

arozas@tribune.com

---- INDEX REFERENCES ----

NEWS SUBJECT: (Legal (1LE33); Judicial (1JU36); Social Issues (1SO05); Police (1PO98); Government Litigation (1GO18); Economics & Trade (1EC26))

REGION: (USA (1US73); Americas (1AM92); Illinois (1IL01); North America (1NO39))

Language: EN

OTHER INDEXING: (AMERICAN HOSPITAL; COOK COUNTY; COOK COUNTY CIRCUIT COURT; FBI; POLICE DEPARTMENT) (Cozzi; Jody Weis; Patrick Fitzgerald; Weis; William Cozzi)

Word Count: 393

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**FILED**

APR - 2 2008

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

v.

WILLIAM COZZI,

No. **08CR 276**

Violation: Title 18, United States Code,  
Section 242.

**JUDGE MANNING**

**MAGISTRATE JUDGE COLE**

The SPECIAL MARCH 2007 GRAND JURY charges:

On or about August 2, 2005, at Chicago, in the Northern District of Illinois, Eastern Division,

WILLIAM COZZI,

defendant herein, an Officer of the Chicago Police Department, while acting under color of law, used a dangerous weapon to strike Victim A repeatedly, while Victim A was handcuffed and shackled in a wheelchair at Norwegian American Hospital, resulting in bodily injury to Victim A, thereby willfully depriving Victim A of a right secured and protected by the Constitution and laws of the United States, that is, the right to be free from the use of unreasonable force by a person acting under color of law;

In violation of Title 18, United States Code, Section 242.

A TRUE BILL:

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
UNITED STATES ATTORNEY

Westlaw.

NewsRoom

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1/23/08 Chi. Sun-Times 6  
2008 WLNR 3388984

Chicago Sun Times (IL)  
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January 23, 2008

Section: News

Not sure 'if I was going to live or die'  
Shackled to wheelchair, hit by officer

Frank Main

First, Randle Miles was beaten by a Chicago Police officer while handcuffed and shackled to a wheelchair.

Then Miles, 60 at the time, was charged with resisting arrest, assault and battery, his lawyer said.

But a hospital video of the 2005 incident shows Miles did not resist while Officer William Cozzi hit him about 10 times.

"I was beaten, then I was charged with a crime," Miles said in an interview Tuesday. "I don't understand it."

His attorney, Timothy Whiting, called it "a complete miscarriage of justice."

Whiting said Miles went to court on the criminal charges, but Cozzi and hospital guards did not appear. Prosecutors tried to re-schedule the hearing but a judge dismissed the case, Whiting said.

Cozzi, 50, pleaded guilty to misdemeanor battery in May 2007 and got 18 months' probation.

COP BACK ON JOB IN APRIL

The Sun-Times first reported Monday that incoming police Supt. Jody Weis is unhappy that Cozzi was not fired, calling the officer's actions "deplorable."

The department sought to fire Cozzi. But the Chicago Police Board, which considers discipline against cops, gave him an unpaid suspension -- even though it found him guilty of beating Miles and filing a false police report.

The board said Cozzi deserved to keep his job because he did not have a disciplin-

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ary history and won numerous awards. He is due to return to work in April.

Weis said he will "review the facts of the case before taking further action" against Cozzi. Cozzi's attorney says his client is remorseful and deserves a second chance.

The beating occurred after Miles was taken to Norwegian American Hospital with a stab wound. He gave a nurse an insurance card and grew agitated when she quizzed him about his personal information, Whiting said.

Miles asked for a doctor, but the nurse told Miles to quiet down, then called hospital guards, Whiting said. Miles continued to complain, and Chicago Police were called.

Miles, who had drank a pint of gin, was passive when Cozzi shackled him to the wheelchair and struck him repeatedly as guards watched, Whiting said.

Miles said he was in a fog of alcohol and medication and can't remember details of the beating, but recalls "a man beating on me and not knowing if I was going to live or die."

The Sun-Times was the first to publicly post the video on the Internet, at sun-times.com. The newspaper obtained a copy under the Freedom of Information Act.

---- INDEX REFERENCES ----

REGION: (USA (1US73); Americas (1AM92); Illinois (1IL01); North America (1NO39))

Language: EN

OTHER INDEXING: (AMERICAN HOSPITAL; CHICAGO POLICE; CHICAGO POLICE BOARD; COP) (Cozzi; Jody Weis; Miles; Prosecutors; Randle; Timothy Whiting; Weis; Whiting; William Cozzi)

EDITION: Final

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